

# PRISON SERVICE JOURNAL

March 2014 No 212



*Special Edition*  
**Everyday Prison Governance  
in Africa**

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Cover photograph by *Dr Andrew M Jefferson* (Danish Institute Against Torture — DIGNITY).

The Editorial Board wishes to make clear that the views expressed by contributors are their own and do not necessarily reflect the official views or policies of the Prison Service.

Printed at HMP Leyhill on 115 gsm Satimat 15% Recycled Silk

Set in 10 on 13 pt Frutiger Light

Circulation approx 6,000

ISSN 0300-3558

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# Editorial Comment

## Everyday Prison Governance in Africa

Dr Andrew M Jefferson<sup>1,2</sup> and Dr Tomas Max Martin.<sup>3</sup>

This issue of PSJ is about everyday prison governance in a handful of African countries. There are fifty-five recognised states in Africa and we explore prison governance in just seven of them — Rwanda, Ivory Coast, Zambia, Cameroon, Ghana, Sierra Leone and Uganda. On this basis we can hardly claim to be exhaustive or comprehensive. Nevertheless this collection of field-based insights into the prisons of specific African countries is the first of its kind and we believe offers a valuable glimpse into the worlds of places which until recently have received very little scholarly attention.

Cameroonian political philosopher Achille Mbembe<sup>4</sup> has argued that much scholarship on Africa in general has focussed on what Africa is *not* rather than on what Africa *is*. The same can be said to be true of what we know about prisons in Africa. We know — from critical human rights reports, for example — that they are not humane, they are not spacious enough, they do not provide adequate food or health care, that they are not just, that prisoners are not adequately classified and so on. We know that they do not often live up to externally derived standards and norms. But — until now — we have known very little about how they actually are. There are various reasons for this. Some scholars have claimed that prisons in Africa are too difficult to study or that their systems are too undeveloped to warrant comparison. This collection puts both those myths to bed.

The articles in this collection are fundamentally empirical. Drawing mostly on extensive fieldwork in prisons, amongst staff and inmates or former inmates, read together they offer a glimpse of the ways in which these prisons are governed, the ways in which staff and inmates interact and the way authority is distributed. Most of the articles focus on what we might call the micro-dynamics of prison climate,<sup>5</sup> often with an explicit focus on relationships between guards and inmates. With the exception of Tertsakian's and Le Marcis' pieces

most of the articles have a contemporary rather than a historical focus. It is worth noting however that all the prisons with which we are concerned have their roots in colonial history.

We deliberately chose to include contributions from people with a more activist background, for example Carina Tertsakian of Human Rights Watch as well as articles jointly authored by scholars and activists, for example the article by Jefferson, Feika and Jalloh. In addition this is a collection that cuts across disciplines featuring, anthropologists, psychologists, sociologists, and teachers.

The collection begins with Carina Tertsakian's article on the experiences of prisoners following the Rwandan genocide, based on her book *Le Château: the lives of prisoners in Rwanda*. Overcrowding is common in prisons in Africa but the situation in Rwanda after the genocide was quite exceptional as is the degree to which the prisoners took upon themselves the responsibility for running the prisons. Prisoner self-governance is a theme which crops up repeatedly in the collection but it is at its starkest in this article.

Our second article focuses on the co-presence of formal and informal rules in the main prison in Abidjan, the capital of Ivory Coast. Anthropologist Frederic Le Marcis emphasises the hidden meanings at play within the prison as guards and inmates administer prison life according to separate yet, in a way, interdependent logics. Attention is also paid to the use of space and to transactions between inmates and this is a central theme of Anne Egelund's article on sexual relations within Zambian prisons. Based on interviews with inmates Egelund makes a persuasive case that transactional same-sex relationships in the prisons reproduce rather than challenge the hetero-normative standards of the surrounding society.

Marie Morelle's article also focuses, like Le Marcis', on informal governance and movement, and like Egelund on transactions, this time in Cameroon. Here

1. DIGNITY – Danish Institute Against Torture. [www.dignityinstitute.org](http://www.dignityinstitute.org)

2. We'd like to express our thanks to Jamie Bennett for his initial and ongoing enthusiasm for the theme of this issue. Also a special thanks to our oft-neglected families who faithfully endure our many absences: thanks to Helle, Jakob, Aksel and Joakim; and to Lotte, Marie and Joshua.

3. Danish Institute for Human Rights. [www.humanrights.dk](http://www.humanrights.dk)

4. Mbembe, A. (2001) *On The Postcolony*. University of California Press.

5. For more detail on what we mean by prison climate please see the introduction to the thematic section of *FOCAAL: Journal of Global and Historical Anthropology* (2014), 'Prison Climates in the South' edited by Jefferson; A.M., Garces, C. and Martin, T.

the focus is on delegated authority rather than on the existence of two parallel separate systems of governance but again the interdependence of guards and inmates is a strong theme. Subtle differences can be discerned between Le Marcis' account of Ivory Coast and Morelle's of Cameroon. The prisoners in Ivory Coast are presented as having more agency than those in Cameroon. For Morelle, somewhat paradoxically, what little agency the inmates are able to conjure seems to be acquired at the cost of maintaining the system that confines and deprives them.

The next two articles both feature Ghana. Lilian Ayete-Nyampong analyses juvenile correctional institutions and shows us some of the predominant features of everyday institutional life. Partially inspired by Goffman she offers us glimpses of initiation and arrival rituals and emphasises the agency of the young inmates showing how they refuse the authorities' attempts to oblige compliance. Based on extensive field observations and interviews emphasis is put on the intimate and mundane features of everyday entangled encounters.

In a second paper on Ghana, Thomas Akoensi turns our collective attention to the subject of prison officers and their symbiotic relations with inmates. Similar to the former article's focus on the hierarchies amongst juvenile inmates Akoensi portrays prisoner leadership structures, explaining why these are necessary and how the delegation of authority can have unintended consequences, for example in the form of violent or authoritarian enactment of discipline. As in Morelle's paper on Cameroon the Ghanaian experience suggests a form of delegated authority. Staff chose to share power, though the degree to which this is a real choice or simply inevitable given the specific conditions on the ground, is debatable.

Staff are also the focus of the seventh article which considers the way prison officers in Sierra Leone present themselves as both demoralised and satisfied,

passionate about their jobs but frustrated. Jefferson, Feika and Jalloh draw on field observations, interviews and a survey to draw rather paradoxical conclusions about the conditions of work of prison officers and the meanings they attribute to those conditions.

Finally, by way of substantive article we have Tomas Martin's account of the way human rights are locally appropriated by prison staff in Uganda. Here, the focus shifts somewhat from descriptions of the everyday dispersal of authority to a discussion of how prison staff make meaning out of a set of global norms that are at their disposal. Once again drawing on a lengthy period of ethnographic fieldwork, Martin demonstrates the importance of attending to the perspectives and practices of staff themselves in order to understand the effects and products of a global discourse like human rights. At the same time we are offered an important glimpse of some of the dilemmas faced by officers struggling both to make meaning and survive.

We round off the collection with a poem by Jack Mapanje, an acclaimed Malawian poet, linguist, editor, and human rights activist, held without trial in Malawi between 1987 and 1991, for his dissenting views expressed in radical poetry. In defiant style, 'Skipping Without Rope' casts some personal light on everyday governance in an African prison.

At this point the cross-cutting themes would seem evident: interdependency, entanglement, diffusion of authority, pragmatic choices and so on. As mentioned this is the first collection of its kind. It is our hope that this, at least, is just a beginning and that our studies of prisons in Africa might give added impetus to the field of non-western prison studies and encourage others to join in.<sup>6</sup> We also hope that the empirical material presented might serve as a useful juxtaposition or even challenge to dominant notions of what prison is or might be, or at least provide food for thought.

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6. If interested, check out the website of the Global Prisons Research Network [www.gprnetwork.org](http://www.gprnetwork.org)

# 'Some prisons are prisons, and others are like hell.'

## Prison life in Rwanda in the ten years after the genocide

**Carina Tertsakian** is a human rights researcher based in London. She is currently Human Rights Watch's Senior Researcher on Rwanda. She is the author of a book on Rwandan prisons, *Le Château: the lives of prisoners in Rwanda*, which she researched and wrote in her private capacity.

**This article describes the extraordinary environment in the prisons in Rwanda in the ten years that followed the 1994 genocide and the systems prisoners put in place to survive. It details the multiple, creative ways in which prisoners overcame extreme overcrowding, life-threatening conditions, and years of incarceration without trial.**

The article is based on the field research I conducted for my book *Le Château: the lives of prisoners in Rwanda*, which documents Rwandan prisoners' experiences of incarceration between 1994 and 2004. Sections of my book are synthesised in this article. The primary research, carried out in late 2004, included interviews with around 200 prisoners, prison staff, former prisoners, families of prisoners, government officials and representatives of non-governmental organisations. My research focused on five prisons — Kigali Central Prison, Butare, Gitarama, Cyangugu and Nsinda — and I gathered additional information on several other civilian and military prisons and detention centres.

Since I completed that research, several thousand prisoners have been released, and the conditions in Rwanda's prisons have improved. Recent developments are summarised in the final section of this article.

### Rwanda's prisons after the genocide

Between April and July 1994, more than half a million people were massacred in Rwanda in a genocide meticulously planned by political leaders from the majority Hutu ethnic group against the Tutsi minority. The organisers of the genocide made sure that responsibility for the killings was carried by as many people as possible: the genocide was perpetrated not only by the security forces and by the notorious *interahamwe* militia but by thousands of ordinary Hutu civilians.

The huge number of perpetrators meant that it was difficult to pinpoint who had participated in the killings and who had not. On the surface, any Hutu

could be a genocide suspect. As a result, tens of thousands of people were arrested in the following years. Known in Rwanda as *génocidaires* — a term used to refer to a person who participated or is accused of participating in the genocide — , these were the people who made up the bulk of the prison population in the years that followed the genocide.

This context gave rise to a unique situation in Rwanda's prisons. Some of those arrested were undoubtedly guilty of participating in the massacres, but others were innocent. Arrests often took place arbitrarily, on the basis of unsubstantiated denunciations. Accusing someone of genocide became an easy way of settling personal scores. With the justice system in tatters, tens of thousands of people spent years in prison without trial, in inhuman conditions, often in the absence of evidence that they had committed any crime. Many of the prisoners I met in 2004 had been detained for nine or ten years without any form of judicial process. Some did not even know the specific charges against them. Their case-files were either empty or simply labelled with the blanket accusation 'genocide'. Meanwhile, many of the real perpetrators remained at large.

Within months, Rwanda's prisons were overflowing, and there was no functioning justice system to process these cases. At its peak in around 1998, the prison population reached about 130,000. When I conducted my research in late 2004, there were still around 85,500 people in prison — more than 1 per cent of the country's population. Almost everyone in Rwanda has had at least one relative or friend in prison since 1994. The experience of arrest and detention became normalised.

Prison overcrowding is common across Africa, but in Rwanda in the mid to late 1990s, it reached unprecedented levels. Experienced staff of organisations who had worked in prisons in many different countries described the situation in Rwanda as unlike any other they had encountered.

Every aspect of life in Rwandan prisons was defined by overcrowding. Forty centimetres was the standard width of a prisoner's space — for those who

could afford any space at all. There was no room to lie down, no room to sit, barely room to stand. Many prisoners slept outside, exposed to the sun or the rain. Some prisoners had to keep walking until a space became available to rest. There were no cells. Prisoners were stuffed into large blocks, each holding several hundred people. In each block, there were structures resembling bunk-beds on three levels, with wooden planks lined up against each other. Those who could not get a space on a plank had to sleep on the ground, in a tiny space underneath the lowest plank. Others slept on the concrete floor between the bunk-beds, filling the corridors, while yet others slept in the kitchens and the showers. Some slept in the toilets, in drainage channels or over septic tanks. The courtyards and the blocks were so crowded that it could take several hours to reach the toilets. Long queues snaked round the blocks, as prisoners waited to fill their small jerrycans with water at a communal tap.

These conditions gave rise to exceptional forms of behaviour alongside very ordinary ones. Some of the prisoners' reactions were typical of those found in any situation of mass confinement: a combination of brutal selfishness and unexpected generosity, rivalry, creativity, resilience, patience and despair. But in the particular world of Rwanda's prisons, these universal traits were found in intense concentration. Every action, every pattern of behaviour became magnified.

The social composition of the prison population was also unusual: while in many countries, the majority of prisoners come from disadvantaged sectors of society, have a low level of education and include repeat offenders, in Rwanda, this profile was rare. Most of Rwanda's prisoners had never set foot in a prison before. They came from an astonishing array of backgrounds, ranging from rich government officials to poor peasants, with a high proportion of 'intellectuals' — a term Rwandans use to describe those with a good level of education: teachers, doctors, civil servants, engineers, priests, lawyers and even judges. The result was a hugely diverse, dynamic, skilled and complex prison population — a replica of the world outside.

The prisons were almost entirely run by the prisoners themselves, reinforcing the sense of a complete and self-sufficient society. Prisoner self-organisation is not unusual in Africa, but whereas in some countries, it breeds predatory behaviour, in Rwanda it generated innovation and pragmatic ingenuity. The extreme conditions in Rwanda's prisons posed particular challenges. While the prison administration, dramatically under-resourced and overwhelmed, played at best a passive role, the prisoners embraced these challenges with extraordinary efficiency. There was no time to waste: it was a matter of life and death.

While the prison administration, dramatically under-resourced and overwhelmed, played at best a passive role, the prisoners embraced these challenges with extraordinary efficiency. There was no time to waste: it was a matter of life and death.

Indeed, between 1994 and 1999, thousands of prisoners died as a direct result of the severe overcrowding, absence of hygiene, lack of food and lack of medical treatment. Diseases spread rapidly and there were no facilities to contain them. Some prisoners had been so badly tortured before they even reached the prison that they did not withstand the ordeal. Prisoners told me stories of people who were too weak or too sick to move and died where they lay, trampled on accidentally by other prisoners; other had their feet or legs amputated because they had rotted from standing in filth and stagnant water for prolonged periods. Prisoners would wake up in the morning and find corpses lying next to them. In some prisons, in around 1995-1996, dozens of prisoners were

dying every day. Their bodies were piled up in a corner until someone removed them. It was almost impossible to sleep, not only because of the lack of physical space but because of the constant noise of thousands of people crammed into each prison. A former prisoner summarised the conditions during this period: 'Some prisons are prisons, and others are like hell.'

It is difficult to imagine how prisoners survived these conditions, but many did, and this was largely thanks to their own creativity. The International Committee of the Red Cross, which was eventually allowed access to the prisons, also saved many lives by providing basic assistance. In the following years, Penal Reform International set up a programme to help improve prison conditions in Rwanda and trained prison staff across the country.

## The prisoners' government

In the devastation which followed the genocide, the new government of Rwanda had neither the capacity nor the interest to manage the situation in the prisons. The entire infrastructure of the country had been destroyed, so there were other priorities. The thousands of people filling up the jails were accused of the worst crime — genocide — and there was little public sympathy for their plight.

With no help coming from any quarter, the prisoners had to take control of the situation themselves. Imposing order on chaos, they took over the management of the prisons. Within a short time, they developed a multiplicity of organisational structures and activities. It was an immediate and effective survival mechanism.

Even once the government had set up a functioning prison administration, the prisons in Rwanda continued to be run by the prisoners. Their systems were so efficient that there was no immediate need to replace them. Over the years, the official prison administration became increasingly professionalised, but this did not impinge significantly on daily life inside the blocks; nor did it conflict with it. Prisoners took care of everything from the reception of new prisoners (with a special welcome committee), the allocation of space and the distribution of food and water, to hygiene, medical care, discipline and security. They organised education, leisure, cultural and religious activities, as well as legal advice and the dissemination of information. A prisoner-run radio station broadcast daily news on events inside each prison as well as national and international current affairs. Once the prison administration had set up a system of work for prisoners, the prisoners took that over too, organising work teams, schedules and rotas.

Rwanda is a very hierarchical and stratified society, in which successive governments have kept the population under tight control through a multi-tiered system of local administration, right down to units of just ten households. Reflecting this model, the prisoners set up their own hierarchy — a kind of prisoners' government. The big chief was the *capita général*. Overseeing several thousand prisoners, the *capita général* had one or two deputies, a secretary, security officers (sometimes called policemen), an army of local *capitas* in each of the blocks, and teams

responsible for each activity. Some *capitas* even had a public relations officer — the public being the rank and file prison population. There was a tight chain of command, with each of these officials reporting to their supervisors — all of them prisoners.

A former prisoner had developed his own terminology for the prison leaders:

Everything in prison was bought — food, water, soap, alcohol, mattresses, fabric for uniforms, fresh air, extra time with visitors — but the most important commodity was space.

*It was like another government... The capita général is the president. The deputy capita is the prime minister. His secretary is the principal private secretary. The heads of department are the ministers... Medical and hygiene were the ministry of health; security was the army; the social department was the ministry of local administration and social affairs; the kitchen was the ministry of food... The prisoners imprisoned other prisoners. There was a brigadier chief and his deputy who were like the ministry of defence. If that ministry hadn't existed, we wouldn't have survived. They kept the 'roads' clear. There were people from the security department every ten metres to keep the roads open so that people could walk up and down.*

*They were like the traffic police.*

The prisoners also instituted a sophisticated system of corruption, in which every privilege, however small, had a price tag. Everything in prison was bought — food, water, soap, alcohol, mattresses, fabric for uniforms, fresh air, extra time with visitors — but the most important commodity was space.

The system for allocating spaces to prisoners was tightly regulated, with a system of tariffs. It was overseen by the *capita général* and implemented by the *capitas* of the blocks. Although it was supposed to operate on a first come first served basis, in practice, wealth and favours determined who ended up where. For example, those with more money occupied spaces closer to the doors, where air circulated more freely, while poorer prisoners often ended up on the top bunks, where it was extremely hot. The social hierarchy of the prison was directly reflected in the hierarchy of space. Thus, in this environment where prisoners struggled to find even a square inch of space, wealthy inmates miraculously occupied large



areas or sat in comfortable alcoves, with some important prisoners enjoying an additional space they called a lounge where they would receive other prisoners. At the very top of the league, Kigali Central Prison had a VIP cell in which an archbishop, a former president and a minister were detained at different times.

The higher a prisoner's position in the system, the richer he or she could become. Prisoners described extensive rackets, with *capitas* amassing large amounts of money, sometimes with the complicity of prison directors. With wealth came status. The system was more pronounced among the men than the women, but it affected the way female prisoners perceived male prisoners, with women seeking the attention of male *capitas* in the hope of receiving gifts or developing relationships.

By and large, prisoners put up little resistance to the system; they complained from time to time but they knew the rules. Embracing these rules was their way of making sense of an otherwise terrifying world.

After a few years, the number of prisoners occupying positions of responsibility grew out of all proportion, despite the fact that a degree of stability had been restored and the number of prison staff increased. But taking on official functions had become such an effective form of escapism for prisoners, as well as a continuing source of income, that the system simply continued. It also benefited the prison staff, both materially and by reducing their workload.

The lack of space in the prisons meant that all categories of prisoners were thrown in together: *génocidaires*, rapists, robbers, petty criminals, all lived side by side. Prisoners did not spend much time finding out about the past of their fellow inmates. The pecking order was not determined by the nature of their alleged offences. There were more pressing questions: how to find a space to sleep, how to jump the queue for the showers, how to buy an extra portion of food.

Nevertheless, a certain ranking emerged, based loosely around education and professional status. The *génocidaires* — who accounted for more than 90 per cent of the prison population when I carried out my research — ruled the roost. They were the ones who occupied senior positions and laid down the law.

Given the high proportion of professional people who participated in the genocide, being a *génocidaire* was sometimes equated with having a high level of education, and *capitas* were required to have a minimum level of education. An elderly female prisoner told me: '*Those accused of genocide are in positions of responsibility because they are the most intelligent.*'

The position of *capita* conferred not only authority but prestige and honour. The *capitas* took their responsibilities seriously. They held weekly, or sometimes daily, meetings with their underlings, and the *capita général* would submit a daily report to the prison director, usually in writing, based on the contributions of all the local *capitas* of the blocks and other prisoners with specific duties.

In most prisons, the *capita* *général* was elected according to set procedures. In some prisons, candidates would write a manifesto laying out their plans, and, for those who had already served one or more terms, examples of their achievements. Prisoners then filled in a ballot paper and the votes were counted. In some smaller prisons, prisoners simply lined up behind the candidate of their choice or held meetings in which they would call out their approval or disapproval of particular candidates. In some prisons, however, prisoners claimed the prison director selected the *capita général* in advance. The more democratic the system, the more popularity the *capita général* appeared to enjoy.

Some prisoners were happy to take on responsibilities without official recognition or reward. They formed societies and clubs, such as Scouts or Red Cross societies, as well as a plethora of religious organisations. Others took on teaching and training responsibilities, putting to good use the professional skills they had acquired in a previous life. These activities served not only to pass the time, but to prepare prisoners for their eventual release. There were lessons in almost every subject imaginable — in which both the teachers and the students were prisoners, and teachers set exams and awarded diplomas. There were apprenticeships in which younger prisoners learned carpentry, metalwork, carving and painting, though their teachers would complain about the cost of buying materials from

The pecking order was not determined by the nature of their alleged offences. There were more pressing questions: how to find a space to sleep, how to jump the queue for the showers, how to buy an extra portion of food.

outside. English language classes were among the most popular. After the genocide, the new government of Rwanda set about changing the language of formal education from French to English. This meant that by the time many of these prisoners would be released, they would find it difficult to resume formal education or access certain types of employment without some command of English. They therefore set about learning English in prison, so diligently that by the time they were released, some were more fluent in English than students who had been taught by 'real' teachers in schools outside.

Computer technology was another popular subject — again, with an eye on future employment prospects. Computers were not available in the prisons, but this did not deter prisoners from learning the basic principles and familiarising themselves with the theory.

### **Social relations and solidarity**

Unsurprisingly in such conditions, many prisoners' actions were motivated by basic interests and self-preservation: money, material comforts and associated privileges. But, there were also exceptional acts of compassion and mutual assistance. The extreme conditions appeared to bring out the best and the worst in prisoners. Once a prisoner had secured his or her own place in the system, he or she would willingly help others who were less fortunate. New arrivals were among the most vulnerable, as were sick, disabled or elderly prisoners. Many prisoners described to me how on their first day, they thought they would be crushed to death, die of disease or starvation, or lose their sanity, and it was only the kindness of a more experienced prisoner which saved them. In some cases, new prisoners encountered friends or relatives inside the prison: Rwanda is a small country, and it was not uncommon for whole families or groups of friends to be arrested and detained together. These would be their first point of support. But others described how complete strangers had taken pity on them and offered to share their tiny space, given them half their blanket or shared their food ration. A number of friendships developed in this way. Some were purely materialistic, but others turned into stronger, social bonds, which some prisoners sustained after their release.

The overcrowding in the prisons meant that sociability was imposed on prisoners. Whether they liked it or not, prisoners had to engage with each

other. Competition for space could have generated fierce disputes, but more often than not, the physical proximity turned into a source of solidarity and even support. Some prisoners described to me how some of their inmate friends occasionally appeared withdrawn or retreated into silence, but explained that these periods could never last long because the conditions did not allow for anyone to remain alone for any length of time. A similar explanation was given for the low rate of suicides: prisoners kept an eye on each other, and no one could do anything secretly.

During some of my interviews, prisoners asked me to describe conditions in European prisons. When I explained that prisoners had individual cells, or shared a cell with at most one or two others, some of them laughed. They did not seem to like the idea. One of them, who had endured some of the worst conditions in prison in Rwanda, told me he would rather be detained in a Rwandan prison than in the

prison of the UN-run International Criminal Tribunal for Rwanda in Arusha, Tanzania, where detainees are held in individual cells, in excellent conditions — simply because he would hate to be locked up in a cell on his own. To some extent, this reaction may reflect cultural differences: in Rwanda, most people are not used to living alone. But it was also clear that

for these prisoners, the prospect of solitude in prison was genuinely frightening, and interaction with other inmates was critical in helping them retain a sense of normality.

### **The prison staff**

While the prisoners busily organised every aspect of life inside, the prison staff tended to occupy themselves with administrative matters in the background and rarely made their presence felt inside the blocks. The number of prison staff was surprisingly low: at the end of 2004, there were only around 1,000 prison staff in the whole of Rwanda, for a prison population of around 85,500. Of these, around 800 were guards. For example, in Butare central prison, one of the largest, there were only 64 guards and 12 administrative staff for more than 10,700 prisoners.

Each prison had one director, one or two deputy directors, a secretary, a registrar, an accountant, a social worker and a team of guards. In the early post-genocide period, prison staff, many of whom were former military, treated prisoners badly; there were frequent reports of beatings and gratuitous ill-

The extreme conditions appeared to bring out the best and the worst in prisoners.

treatment. In the subsequent years, as more civilian staff were recruited and professionally trained, these abuses decreased and relationships between staff and prisoners improved. By 2004, with a few exceptions, most of the staff I interviewed seemed fairly sympathetic to prisoners' needs.

To ensure the smooth running of the prison, the director would rely almost entirely on the *capita général* and his subordinates. His or her own interventions were limited to holding meetings with prisoners, occasionally carrying out searches, and investigating problems such as fights between prisoners (a surprisingly uncommon occurrence). Even then, most disputes were resolved by the prisoners themselves, and the director would only intervene if the matter got out of control. A close relationship between the director and the *capita général* was mutually advantageous, not only in terms of division of labour but in financial terms too. Prison directors were often personally implicated in the *capitas'* deals and creamed off a large share of the profits.

The guards were slightly more involved in the day-to-day running of the prisons. They made their presence felt during weekly prison visits, supervising a painful and humiliating ritual in which prisoners' families had just three minutes to talk to their relatives in the courtyard outside, squashed together on wooden benches — or in some prisons, standing up — with no privacy whatsoever and surrounded by so much noise that it was impossible to have a simple conversation. Guards appeared keen to demonstrate their position of authority by ensuring that visitors did not exceed the time allocated to them, occasionally hitting them with their wooden sticks or searching the food they brought to the prisoners.

As in many countries, prison guards in Rwanda are not well paid and are always on the lookout for

ways of earning extra money. At the same time, prisoners are forever devising new ways of improving their own conditions, so opportunities abound. In exchange for cash, guards can significantly enhance a prisoner's quality of life, whether by smuggling in forbidden goods, extending the time allocated for visits, delivering messages from relatives or other favours. Prisoners could establish close relationships with individual guards, and a kind of complicity developed. One prisoner told me: *'Guards and prisoners are like brothers. Relations are good. Even if there are problems, we reconcile quickly. The director once said that the guards and the prisoners are the same.'*

In exchange for cash, guards can significantly enhance a prisoner's quality of life, whether by smuggling in forbidden goods, extending the time allocated for visits, delivering messages from relatives or other favours.

### Conclusion: 2004 to 2013

In late 2013, almost twenty years since the genocide, conditions in Rwanda's prisons have improved considerably. The prisons remain overcrowded but the conditions are not comparable to those which prevailed in previous years. Two waves of large-scale releases in 2003 and 2005, followed by further releases in the subsequent years as a result of trials in the community-based *gacaca* courts<sup>1</sup>, have reduced the prison population. A system of community service known as TIG (*travaux d'intérêt général*), replacing a proportion of prison

sentences, has also contributed to decongesting the prisons.

In the last few years, the prison population in Rwanda has hovered between 55,000 and 60,000. In December 2013, the total prison population was 54,357.<sup>2</sup> The prison administration has rebranded itself as the Rwanda Correctional Service and has adopted a new motto: 'Justice, correction, knowledge and production'.<sup>3</sup>

These positive developments are welcome for existing and new prisoners, but mean little to the tens

1. Gacaca was a new, ambitious justice system introduced by the Rwandan government to tackle the huge number of genocide cases which the normal courts were unable to handle. Loosely based on the notion of community-based conflict resolution, *gacaca* was in reality a formal judicial process, with the stated objectives of delivering justice for the genocide and encouraging reconciliation. Between 2005 and 2012, thousands of *gacaca* courts tried almost two million cases, according to Rwandan government statistics. For further information, see reports by Penal Reform International [http://www.penalreform.org/?s=rwanda&pri\\_resources=1](http://www.penalreform.org/?s=rwanda&pri_resources=1), *Avocats sans frontières* <http://www.asf.be/action/publications/> and Human Rights Watch <http://www.hrw.org/reports/2011/05/31/justice-compromised-0>

2. Rwanda Correctional Service, Quarterly Report, Q2-FY 2013/2014, February 2014.

3. See Rwanda Correctional Service website <http://www.rcs.gov.rw/home/>

of thousands of men and women who still bear the scars of the darkest period in Rwanda's prisons ten or fifteen years ago. While many have since been released, their experiences remain unacknowledged and veiled in silence. Some, especially the younger ones, have succeeded in slotting back into family life, studies or employment, but others remain deeply affected by their experiences and the inability to talk openly about their time in prison.

Although all Rwandans know that many of those arrested for alleged participation in the genocide were innocent, these accusations still carry a stigma, and even prisoners who were released after being tried and acquitted have found it hard to shed the label of *génocidaire*. Despite developing such strong survival skills in prison, some of them seem strangely ill-equipped to deal with the real world after their release. In prison, once they had acclimatised to their shocking new surroundings, they had found their place and learnt to navigate the system. The outside world turned out to be harder to navigate, and critically, harder to control. It was a complex world, with many more variables, and the rules governing

social relations were less clearly defined. In addition, after years of incarceration, some prisoners found that their relationships with relatives and friends had altered, or broken down completely. Finally, the country had changed significantly in the time they had spent in prison.

Recovering from these experiences has been made harder by the fact that Rwandans have lived through so much horror and violence since 1994 that to most, the suffering of prisoners seems comparatively unimportant. As a result, it is simply ignored, and former prisoners have been left to deal with this painful period of their lives in solitude and in silence. Over the last ten years, releases, combined with various practical and organisational measures, have ensured that conditions for Rwandan prisoners have become more bearable. But nothing has been done to address the legacy of the earlier years, and the men and women who lived through them are still haunted by those memories. They have been left to fend for themselves, with no support and no recognition of the suffering they have endured.

# Everyday Prison Governance in Abidjan, Ivory Coast

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Explaining to me how everything is a matter of business in the prison, even access to the infirmary in case of severe illness, the 'head of government' of the cell block for long sentenced prisoners explained to me: « *il n'y a pas de mal dans le mal* ». (There is no wrong in the wrong). This short sentence summarizes the global feeling you have when spending time within the MACA walls, (*Maison d'Arrêt et de Correction d'Abidjan*, Abidjan Detention and Correctional Centre). First, parallel to official rules proclaimed by the official prison administration, another set of rules is at play. Second, it is largely inmates themselves who enforce these rules. They are the product of what we may call 'governance from within'. These unwritten rules are nevertheless extremely powerful and justify the name given to the prison in *Nushi* (the slang of Abidjan ghettos). The prison is called '*Kaaba*' after the name of the Muslim holy site in Mecca: in jail, as in Mecca, too much is prohibited, they explain. Inmates themselves are called *Kaabacha*, a term built with the names *Kaaba* and *Cè* (which means Man in *Jula*). Men of the prison, *Kaabacha*, call the warden *Dagota*. To be a *dago* in *Nushi* means to be silly, to be '*loin derrière*' (far behind), to be a '*gaou*' (*gawu*), or a '*bleu bleu*' (blue blue), that is, someone who knows nothing. This suggestion that the warden is basically ignorant of the informal rules and strict logics of the prison points clearly to the existence of a governance structure of which he is unaware and not a party to.

Where does the juxtaposition of informal norms and official rules come from? What are the consequences for the inmate's experience? In order to understand the specific form of governance within Ivorian prisons I propose first to go back to the history of confinement in Africa in order to highlight the legacy of colonial prisons in today's jail. Informed by the '*longue durée*' of prison practices on the African continent, I then turn to a description of how spaces are used, how prisons are unofficially administered and how hierarchies are organised. The impact of such governance on inmates' experience will then be exemplified through a description of the logics sustaining access to the infirmary in the MACA. This

reflection was initiated by a demand from *Esther*, a French Network for Therapeutic Solidarity in Hospitals dealing with HIV/AIDS issues in the South (<http://www.esther.fr/who-we-are>). *Esther* is collaborating with the prison's health team in order to offer HIV testing during the first day of incarceration, as well as prevention and treatment to HIV and TB patients and with the Ivorian Ministry of health to develop a health policy for the prisons. In order to improve the quality of prevention and care, it appeared necessary to *Esther* to better understand the prison's everyday functioning and logics via an anthropological approach.

## MACA: Product of the past, revealing the present

Prisons in Ivory Coast are seen as places of banishment where people simply disappear or a place where inmates are just abandoned as worthless. For example in *Anyi* (one of Ivory Coast's many languages) prison is called the home of excrement [*bîi sùà*: excrement home]. MACA is such a place. High walls demarcate a space with tangible frontiers surround it. Nevertheless frontiers imply circulations and crossings and the prison is well inscribed in the outside world. Although it is set apart from society, it appears as a chamber of echoes both enhancing the contemporary tensions of Ivorian society and referencing the history of prisons in Ivory Coast.

Looking at the dynamics and logics developed within its wall, it is possible to grasp the values of society: the worth it is granting to individuals according to social hierarchies, moral categories and sexual identities. The prison powerfully reveals the political and moral stakes of society. As a simple example, whereas in France, prisoner suicide is a major issue,<sup>1</sup> this question is largely irrelevant in Africa.

Like all prisons MACA is the by-product of a long and a short history: it inherited the legacy of the colonial penitentiary system and is impacted by the recent Ivorian crisis. In fact MACA today hosts a number of supporters of the FPI.<sup>2</sup> These detainees are usually awaiting trial for offences against national security. Their presence within MACA's wall creates both tensions inside, and an unusual interest in prison affairs in the Ivorian media.

1. Fernandez F., Lézé S. 2011 'Finding the moral heart of treatment: Mental health care in a French prison.' *Social Science and Medicine* 72(9), pp. 1563-1569.

2. The FPI or '*Front Patriotique Ivoirien*' (Ivorian Patriotic Front) is the former president Laurent Gbagbo's political party.

Thus, trying to understand practices developed within MACA's walls implies paying attention to contemporary issues at play within them but to articulate them in terms of what can be called legacies of the colonial prison history and its local appropriation.

### The legacy of colonial prisons

Kelly Gillespie, writing about South African prisons, shows how the history of imprisonment in South Africa has to do with the question of the wandering native linked to urbanisation and migration.<sup>3</sup> At that time, the aim of prison was not to transform the offender but only to protect colonial society. The same applies in Western Africa. In this context, as Florence Bernault argues this may explain why:

*Contrary to the ideal of prison reform in Europe, the colonial penitentiary did not prevent colonizers from using archaic forms of punishment, such as corporal sentences, flogging, and public exhibition. In Africa, the prison did not replace but rather supplemented public violence.*<sup>4</sup>

These practices of imprisonment have been implemented in a context where traditionally, 'reclusion did not aim to correct, but rather to seize the body to inflict punishment and allow legal reparation'.<sup>5</sup> The introduction of the Western prison model in Africa followed a similar logic to that described by Foucault in *Discipline and Punish: The Birth of the Prison* (1975) regarding European prisons. Logics of punishment were transformed into logics of suppression of rights. These two logics differentiate the way the absolute monarch, on the one hand, and modern forms of power, on the other, express their power, the first on the body through public torture, the second on the mind through a reformatory project. Nevertheless,

*Instead of seeking to rehabilitate criminals and promote social stability through popular consent over legal punishment, Europeans used the prison to secure control over a subaltern, racially defined social category that comprised the majority of the population. The*

*juxtaposition of archaic and modern elements in the colonial prison did not derive, as in the West, from a long penal history. It grew out of colonizers' systematic reliance on confinement as a device that could allow, behind the façade of rational, disciplinary architectures, the use of pre-penitentiary punitive practices.*<sup>6</sup>

Discussing the legacy of this system, she argues,

*The prison system was successfully 'grafted' onto Africa, but that this transplant gave birth to specific, highly original models of penal incarceration.*<sup>7</sup>

Laurent Fourchard, a French historian having worked in Burkina Faso,<sup>8</sup> explains how both the absence of control in the prisons during colonial times and the socio-cultural proximity of warden and prisoners fostered, during this period, the creation of mutual understanding and sometimes association between the two.

*While penitentiary authorities were inclined to maintain existing practices in the colonial prisons, African guards and detainees invented everyday practices and a specific culture that both largely escaped colonial authority. As a result, the prison became a symbol of the inertia of colonial power, as well as a site of African disobedience, corruption, and transgression.*<sup>9</sup>

He adds,

*During the 1950s, in the central prison of Ouagadougou, the capital of the colony, the prison director was a gendarme without specific remuneration or time off for this additional task. Europeans only fulfilled this role if they had sufficient time, often acting in bad faith. Without effective authority, a well-defined program, and clear regulations about the penitentiary regime, the prison was often abandoned to the prisoners and the guards.*<sup>10</sup>

3. Gillespie, K. 2011 « Containing the 'Wandering Native': Racial Jurisdiction and the Liberal Politics of Prison Reform in 1940s South Africa » *Journal of Southern African Studies*, 37(3), 499-515.
4. Bernault, F. 2003 'The politics of Enclosure in Colonial and Post-Colonial Africa' in Florence Bernault (Eds) *A History of Confinement in Africa*. Portsmouth, Heinmann, NH, pp. 1-53, p.3.
5. Ibid p.6.
6. Ibid p.26.
7. Ibid p.29.
8. Burkina Faso and Ivory Coast are bordering countries. Both have been French colonies. Moreover they have been ruled under the same administration from 1932 to 1947.
9. Fourchard, L. 2003 'Between Conservatism and Transgression: Everyday Life in the Prisons of Upper Volta, 1920-1960' in Florence Bernault (Eds) *A History of Confinement in Africa*. Portsmouth, Heinmann, NH, pp. 135-153, p.136.
10. Ibid p.142.

Having been through the colonial correspondence, Fourchard does not find any mention of the moral function attributed to prison in Europe.<sup>11</sup> He explains that,

*this colonial 'model' of the prison was transferred, practically untouched, to the African elite during the 1950s. Colonial penitentiary practices endured through the use of unpaid penal labour. The government of the Upper Volta (after independence, Burkina Faso) also continuously refused to consider any improvement in penitentiary life.*<sup>12</sup>

The practices and norms I describe within MACA below, need to be understood through the lens of this history. Instead of trying to evaluate what is missing or what seems to dysfunction, it is more relevant to try to understand how it works. For example, going to jail may mean the loss of autonomy; it may also mean being inscribed in a system of power and informal norms in such a way that you are called or invited to exercise agency, for instance by negotiating access to status in a hierarchy sustained by a system of values. This would bear some similarity to the way social life is navigated in ghettos in Abidjan.<sup>13</sup> Agency is apparently removed and given simultaneously and takes a variety of forms.

### Space use

MACA in its present form was constructed in the 1980s to host about 1500 prisoners. Before the Ivorian crisis, 5300 prisoners were kept in its walls. Since it's reopening in August 2011 the detainee population is rising again and is now about 3000. MACA architecture is originally inspired by European standards (it was built by Italian architects). It is a yard surrounded by a wall with watchtowers at each corner. This allows for the surveillance of the four main buildings scattered in the court.

On the one hand, well-off inmates are locked in a VIP section (called '*assimilés*') where cells are not overcrowded and detainees share more or less the same socio-economic status (be they political leaders or entrepreneurs

facing embezzlement charges). On the other hand, the huge majority of detainees are kept in three buildings. The first hosts detainees awaiting trial; the second is dedicated to inmates serving short sentences and the third to those serving long sentences. Within these three last buildings, depending on individual status and network-capacity in the outside world or more prosaically according to their capacity to pay, the detainee are allocated to a cell that holds between ten and seventy people. Cells with fewer inmates are usually known as '*cellules responsables*' (cells for people in charge). These detainees in charge are allocated duties within the prison (such as being responsible for a building, for counting inmates at the end of the day, closing or opening cells, or listing sick detainees for them to be allowed to go to the infirmary). According to the level of responsibility, these inmates are known as '*responsables*' or '*corvéables*' (of chore). In both cases, detainees with duties get the opportunity to move freely within the prison space, are allowed to leave their cells usually before the '*décollage*' (literally the 'displacement', that is the time of the opening of the cells allowing detainees to move within the building or to go to the courtyard).

The occupation of the space of the prison is the product of a process of appropriation of the premises by the prison group (by all its actors: guards, prisoners, medical doctors, nurses, administrative staffs from the prison and so on). Places designed by the architects for specific purposes are redefined by users (e.g. a cell for sick prisoners is a VIP cell, the warden's room on each floor is a VIP cell, a path between buildings is a market space, a walking area behind buildings is a space to buy, sell and use drugs (it is called Colombia), a yard is a kitchen garden, the prison lobby is a VIP parlour, the infirmary is partly a consultation room for the neighbourhood, the garbage container is called Sococo after the name of an Ivorian supermarket chain because inmates with hygiene chores find goods in it to fix and sell to other detainees).

In this context, it would be misleading to over construct the difference between warden and prisoners. They often share the same references and social characteristics.<sup>14</sup> A good example of this social affinity is a riot that exploded at the MACA in 2012.

In this context, it would be misleading to over construct the difference between warden and prisoners. They often share the same references and social characteristics.

11. Ibid p.145.

12. Ibid p.148.

13. (de) La Tour, E. 2001 'Métaphores sociales dans les ghettos de Côte d'Ivoire.' *Autrepart*, 2(18): 151-167.

14. The same social affinity has been described between inmates and wardens in France (cf. Rostaing, C. 2006 « La compréhension sociologique de l'expérience carcérale », *Revue européenne des sciences sociales*, XLIV (135), pp. 29-43).

It was in October 2012, when inmates took wardens hostage (injuring six of them) after they had begun to search their cells in the middle of the day. They were expressing their discontent about the timing of the search.<sup>15</sup> But the violence of their reaction had also to do with a feeling of betrayal. Indeed, among the wardens performing these searches, inmates recognized former detainees who had become wardens. In fact, during the battle of Abidjan (March — April 2011) between President Gbagbo and Alassane Ouattara's forces, the FRCI (Republican Forces of Côte d'Ivoire, pro-Ouattara) emptied the prison of its inmates, ransacked the prison and retrieved firearms from prison officers housed in the neighbouring 'cité MACA'. Some detainees were then recruited into the FRCI. After president Ouattara came to power, FRCI fighters were integrated in Ivorian forces (Police, Army and Prisons). We perceive here the proximity between the population of wardens and detainees.

### Administration of the prison

The prison operates with a dual administration. One is official (manager, warden, medical doctors, nurses). The other is unofficial but actively participates in the management of prison affairs at all levels and sectors (including nursing).

Each building has a government made up of a head of government. He is called *Chief Building* and is seconded by a clerk appointed to detainee's account. This clerk called '*commis aux comptes*' is counting everyday the number of inmates per cell and reports to his head of government. Another clerk, called the '*porte-clef*' (key ring), is responsible for locking and unlocking cells, a last one called the '*procureur*' (prosecutor) is responsible in each building for the official registering of transactions between inmates. There are also les '*valets*' (servants) doing dirty chores like cleaning the building, fetching water<sup>16</sup> or cooking for inmates able to buy food.

These diverse functions assumed by the detainees have a great value in the prison. It permits the circulation necessary for business to happen, it assures a regular income, it gives access to power and to better conditions of imprisonment.

Each building has a '*cahier malades*', a clerk called 'sick book' (see below). The *Chief Building* can count on a team of *requins* (sharks), detainees whose duty is to ensure the enforcement of prison rules: they make sure inmates return to their cell at five p.m., denounce and take to isolation those accused of having same-sex sexual intercourse. The '*bérêts verts*' (green berets) are dedicated to the close supervision of inmates going each morning to the infirmary. These diverse functions assumed by the detainees have a great value in the prison. It permits the circulation necessary for business to happen, it assures a regular income, it gives access to power and to better conditions of imprisonment. What could be called a shadow administration, although its presence is heavily felt in day to day prison life, is supported by a system of tax paid '*à la table*' ('at the table') of their building by the inmates (to get access to a better cell for example). In their cells, inmates pay a weekly tax (called the '*baygon*' after the name of a renowned insect repellent) with money or else with their '*ration pénale*' (prison food). This food, of very poor quality, is then redistributed to servants in exchange for their services.<sup>17</sup> Another way to access resources may be to accept sexual intercourse with other men and to become what is called a '*bon petit*' (a good boy). Such an inmate receives attention and food from another inmate and becomes his symbolic wife according to a logic described within South African and Zambian prisons by Sasha Gear<sup>18</sup> and Anne Egelund (this issue).

The *Chief Building* is chosen by inmates according to seniority in jail and confirmed by the official prison manager. If seniority is a necessary condition to become a *Chief Building*, it is not a sufficient condition.<sup>19</sup> The *Chief* must also be 'self-sufficient' (*il doit se suffire*) to become a leader, that is to say he must have enough resources to redistribute. He is someone who must be able to support and feed if necessary. He thus needs to

15. Usually searches happen at the end of the day, while all detainees are back in their cells.

16. There is no running water in the cells.

17. The amount of the '*baygon*' is about 300 francs CFA (0,38 GBP) paid each Saturday. In a 20-inmate cell, *baygon* is used to buy soap and bleach (1500 francs CFA; 1.91 GBP), to pay the valet (2000 francs CFA; 2.55 GBP) and to secure enough money to buy a brush or an electric coil to cook for the cell. In town such an electric coil costs around 300 francs CFA, in the prison the price rise up to 1500 francs CFA.

18. Gear, S. 2005 'Rules of Engagement: Structuring Sex and Damage in Men's Prisons and Beyond.' *Culture, Health & Sexuality*, 7(3), pp. 195-208.

19. The same applies to the *chief cell* as well.



have support outside the prison and a position of responsibility within the prison in order to have the 'means' to maintain his clientele.

This prison's double administration relies on a shared agreement, although never explicitly stated: in the best interest of all parties, life in the prison must remain quiet and peaceful. Peace allows for business to happen between prison actors as peace is cherished by the official administration. The respect of this equilibrium between an apparent administration and a back stage administration is at the heart of MACA functioning. Detainee's mutinies or extensive searches are always related to a rupture in this shared agreement.

### To access the Sick Room

Although prison has to do with loss of freedom and autonomy, the prison's double administration has a consequence for the way detainees get a sense of agency through access to power, in this specific setting. But this comes at a cost. Since everything has a value, and access to resources depends on your position of power, some may hardly access basic resources such as health care.

As we have seen, every morning, a person known as the 'sick book' is responsible for identifying and registering the sick detainees from his building and allowing them to go to the sick room. At nine o'clock those recognized as legitimate for care are taken by the 'green berets' to the infirmary. Depending on the building in which detainees are incarcerated, going to the sick room does not have the same significance or the same stakes.

The convict and short sentence buildings are open. After the 'displacement', inmates are able to circulate freely within the prison yard. Registration in the sick register does not have further implications. The situation is different in the long sentence building. It is closed all day. In this building, inmates without responsibilities are only allowed to circulate inside the building and in its internal yard. Going to the main prison yard is a rare and valuable occasion.<sup>20</sup> In this building, because of the high level of demand to go to the sick room, the *Chief Building* has set a limit of 10 people allowed to go to the sick room each day. As a consequence, getting to the infirmary involves not only being sick; it also requires skills, means and support. Very often, as the *Chief Building* acknowledges, healthy inmates simply pay the clerk responsible for the sick book in order to be able to go out (around 50 francs CFA; 0.06 GBP). Depending on the day of the week, it may thus happen that half of the detainees inscribed in the sick book do not present

themselves at the consultation room. This is particularly true during visit days (Tuesday, Thursday and Saturday). When visitors reach the prison they ask a warden to give a detainee in the yard a paper with the name of their relative. For 10 to 50 francs, they go and fetch him within the prison. To be in the yard during « communiqué » is thus crucial if one wishes to be reached or to earn some money.

### Conclusion

'We are already in prison. There is no wrong in the wrong. If you give something for free, you are *gaou* [you understood nothing]' said the head of government of the long sentence building quoted at the beginning of this article. Following this proverb, there is no action with a transparent meaning at the MACA. Every activity carries its own hidden opportunities. Gestures, words, and practices are loaded with multiple significations and values. A small tool to cut yam is used during fights, going to the infirmary is a way to go out, being a peer educator is a way to increase one's power within the prison's hierarchy, accepting food from old inmates is taking the risk of having to pay back sexually, changing one's identity at the entrance of prison is a way to keep one's criminal record clean.

Although the MACA is unique for its size and reputation in all Francophone West Africa, it stands as a good example of what prison governance in Africa looks like. Since the colonial origins of imprisonment, prisons have suffered from a lack of interest from the powerful and the society at large. Prisons lack funding, food, water, educational programs and health care. Detainees and wardens alike lack public interest. The inside life of the prison remain for the public largely unknown. Even former inmates hide their experience and rather talk about 'being in the village' instead of 'being in jail' with their family members. This situation allows for the development of specific forms of self-governance and for the production of an informal agreement between an official and a shadow administration.

If this allows for the maintaining of autonomy and sense of agency among inmates, it also fosters inequalities. Moreover, it increases risk for those in need and lacking means. Thus a question remains: to what extent can the state, and more generally the society, remain silent about its responsibility toward those who are incarcerated in its name?

I thank *Esther* for funding the research on which this paper is based, the Ivorian Penitentiary services for allowing me to work within the MACA and the inmates, warden and health professionals for sharing with me their prison experience.

20. Being able to reach the main yard means being able to walk in a relatively open space, being able to meet friends and to receive visits on visit days and to do business (exchange goods, buy drugs or food).

# Masculinity, sex and survival in Zambian prisons

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## Introduction

**Sexual relations between men in prisons occur all over the world, also in African prisons. Sex between men is considered deviant in Zambian society, yet for some prisoners it is a way to cope with the stress of incarceration. Prisoners have to cope with extreme challenges in terms of insufficient food, overcrowding and health challenges. For some entering into sexual relationships becomes a strategy of survival.**

With an emphasis on the link between deprivation and psychological, social and physical death, this article explores prison governance with the aim of documenting how sex becomes a strategy for survival.

Prisoners are one of the most vulnerable, yet overlooked risk groups in terms of HIV infection.<sup>1</sup> HIV prevalence in Zambian prisons is estimated to be 27 per cent whereas the general population rate is 14 per cent.<sup>2</sup> In some urban and semi-urban prisons the infection rates are up to 40 per cent.

Many prisoners have contracted the HIV virus prior to entering the prison, but a recent study found a high association between male-to-male sex and HIV in prisons, where 46.4 per cent of those engaging or having engaged in sexual relations were HIV positive. Sexual practices are not isolated from the reality in which they take place, and they play into the power structures between inmates.<sup>3</sup>

The African prison remains under-studied in social science, particularly in relation to sexuality. Based on a qualitative life story study in Zambian prisons (2011-13) this article will shed light on how

sex becomes part of a struggle for survival and masculine identity, where the heteronormativity from outside society is reproduced through a translation of gender roles in an environment without women. A study such as this is important, because not only are the experiences and effects of incarceration in Zambia under-studied, but the high HIV prevalence rates in prison remain insufficiently addressed in research and in prevention programs. The lack of prevention programmes cause unnecessary suffering and deaths in and outside prison. Based on my research I propose an understanding of male-to-male sex in ways that move beyond characterizing it as risky or deviant behaviour.

## Methodology

During the period January 2011 to May 2013 I interviewed — with a team of trained research assistants — 82 inmates in urban and semi-urban prisons in Zambia, and 18 ex-prisoners from all over the country. The interviewing methodology used was narrative life story interviewing combined with interviewing techniques used for torture survivors. Informants were encouraged to tell their personal life story, including life prior to incarceration and their experience of imprisonment. The aim was to learn about the prison experience and coping strategies through the informants' life stories with an emphasis on sexuality, when informants were open and willing to speak about it.

Only inmates in urban and semi-urban prisons were interviewed, so the conclusions drawn are not necessarily generalisable to rural prisons, where inmates are incarcerated for shorter periods.

1. UNAIDS, UNODC and World Bank: 'HIV and Prisons in sub-Saharan Africa – Opportunities for Action' (UNAIDS 2008).
2. O. Simooya et al, 'Behind walls': *A study of HIV Risk Behaviours and Seroprevalence in Prisons in Zambia*, AIDS. Volume 15, Issue 13 (7 September 2001), p. 1741-1744. O. Simooya, and Sanjobo, Nawa: 'In But free' – an HIV/AIDS intervention in an African prison', *Culture, Health and Sexuality* (2001), 3: 2, pp. 241-251.
3. Hensley et al., 'Introduction: The history of prison sex research', *The Prison Journal*, Vol 80 No. 4 (2000); S Gear, 'Manhood, Violence and Coercive Sexualities in Men's Prisons: Dynamics and Consequences Behind Bars and Beyond', *Association of Concerned African Scholars*, 16 September, 2009; S Gear and K Ngubeni, 'Your brother, my wife – sex and gender behind bars', *SA Crime Quarterly* No. 4, June 2003; Laurene French: 'Prison Sexualization: Inmate adaptations to psycho-social stress', *Corrective and Social Psychiatry and Journal of Behaviour Technology Methods and Therapy*, 1979, vol/hft 25yrs, p 64-69; Ewoame H: 'Wedding behind bars: the emic perspectives of male prisoners on same sex sexual practices in Ghana'. Amsterdam Master's in Medical Anthropology, University of Amsterdam, august 2011; Bosworth M and Carrabine E, 'Reassessing Resistance – race, gender and sexuality in prison', *Punishment and Society*, vol 3 (4): 501-515, 2001, London and New Delhi; S. Gear and K. Ngubeni: Daai Ding: Sex, Sexual Violence and Coercion in Men's Prisons', Research paper written for the Centre for the Study of Violence and Reconciliation. 2002; O Simooya and N Sanjobo: 'In But Free' – an HIV/AIDS intervention in an African Prison', *Culture Health and Sexuality*, 3: 2, 241-251, 2001.

## The relationship between homosexuality and male-to-male sex in prisons

Homosexuality is illegal and punishable in Zambia. Sex in prison, whether voluntary or forced, is seen as deviant behaviour,<sup>4</sup> unnatural, and as risk behaviour in terms of HIV/AIDS and other diseases.<sup>5</sup> In an African context (as elsewhere) sex in prisons is a practice often ignored, and at other times punished severely.<sup>6</sup>

The general public, administrators and politicians condemn sex between men in prison, generally from a religious or 'cultural' stand point.<sup>7</sup> In the general public's opinion, homosexuality is not easily reconciled with the image of the masculine African man, as homosexuality is widely considered a Western import and 'Un-African'.<sup>8</sup> Notwithstanding the desire to think otherwise (in general public and amongst many prisoners), individuals continue to have an interest in sexual expression.<sup>9</sup>

There is little doubt that the majority of men in prison, who have sex with men do not consider their sexual practices an expression of a 'homosexual' identity. Studies suggest the identity politics of the West are found less in an African context, where many men are less likely to identify as homosexuals, but some may still enter into sexual relationships with men, perhaps alongside relationships with women.<sup>10</sup> The practice of man-to-man sexual relationships is, according to these studies not necessarily associated with a sexual identity as homosexual, but it is rather to be understood as a practice.<sup>11</sup> Even if scholars have documented this sexual flexibility elsewhere, my research rather suggests that

the prisoners who enter into sexual relationships are severely stigmatised, also by the narrative of being 'converted to homosexuality', suggesting a different take on homosexuality than these studies claim.

My research explored the possibility of various forms of sexual activity ranging from outright violent rape to less violent forms of abuse. There is little evidence of consensual sex based on mutual affection or sexual gratification<sup>12</sup>, even if it does exist. Generally what takes place is transactional sex of a more or less abusive nature. The picture however is complex; for instance some prisoners who would place themselves in the category of being abused, may still have felt sexual pleasure.<sup>13</sup>

## Imprisonment as a threat to masculine identity

According to Bourdieu masculinity and sexuality are social constructions. He claims there is no set of universal definitions of masculinity and femininity, yet there are some pervasive features, which continue to persist. Crudely depicted, femininity is associated with passivity, the private sphere and subordination to men, and masculinity is associated with agency, authority and dominance.<sup>14</sup> Notions of masculinity, are often associated with male virility, control (over women as well as in sexual relations with them) and sexual performance. Masculinity must be fiercely guarded.<sup>15</sup> Connel's concept of 'hegemonic masculinity' emphasizes that the 'dominant' version of values and attributes ascribed to masculinity are closely linked to the specific context in which they are exercised.<sup>16</sup> The traits of masculinity and femininity are reproduced by inmates.

4. For a discussion of deviance please see: H S Becker, 'Outsiders – Studies in the sociology of Deviance' (The Free Press, NY, 1963, 1991).
5. Hensley et al.: 'Introduction: The history of prison sex research'. The Prison Journal, Vol 80 No. 4, December 2000: 360-367; UNAIDS, UNODC and World Bank 2008, 'HIV and Prisons in sub-Saharan Africa – Opportunities for Action', (UNAIDS, Geneva, 2008).
6. Todrys, 'Unjust and Unhealthy', p 44-47, A M Jefferson, 'Confronted by Practice –Towards a critical Psychology of prison practice in Nigeria' (PhD thesis, Copenhagen University, July 2004), own data.
7. Same sex sexual activity is often considered a Western import, 'Un-African' and not part of 'African Culture' amongst many Africans. More on this in M Epprecht, 'Heterosexual Africa? The History of an Idea from the Age of Exploration to the Age of AIDS', University of KwaZulu-Natal Press, Scottsville, 2008; Chenier, Elise 'Segregating sexualities – The prison 'sex problem' in Twentieth Century Canada and the United States' in Strange and Bashford (Ed), 'Isolation – Places and Practices of Exclusion', Routledge, 2007; A N Moster and E L Jeglic, 'Prison Warden Attitudes Toward Prison Rape and Sexual Assault: Findings Since the Prison Rape Elimination Act (PREA)', The Prison Journal 89: 65, 14 January 2009.
8. M Epprecht, 'Heterosexual Africa? The history of an idea from the Age of Exploration to the Age of AIDS', Ohio University Press, Athens, Ohio, US/University of KwaZulu-Natal Press, Scottsville, South Africa, 2008; M Epprecht, 'Hungochani – The History of a Dissident Sexuality in Southern Africa', McGill-Queen's University Press, Qubec, 2004.
9. B V Smith: 'Rethinking prison sex: Self-expression and safety', p 204, 15 Colum J. Gender and Law 185 2006; Own interviews with inmates in Mukobeko Maximum and Medium, Lusaka Central and ex-prisoners.
10. Lorway R, Beyond the New Geography of Dissident Gender-Sexual Identity Categories: Masculinities, homosexualities, and Intimate Partner Violence in Namibia' (Working paper, UNESCO, SSR)
11. M Epprecht, 'Heterosexual Africa? The history of an idea from the Age of Exploration to the Age of AIDS' (Ohio University Press, Athens, Ohio, US/University of KwaZulu-Natal Press, Scottsville, South Africa, 2008); M Epprecht, 'Hungochani – The History of a Dissident Sexuality in Southern Africa' (McGill-Queen's University Press, Qubec, 2004).
12. D'Alessio et al.: The effect of Conjugal Visitation on Sexual Violence in Prisons, 15. Jan 2012. Southern Criminal Association 2012.
13. This is however outside the scope of this article. Sexual pleasure is a major theme, but this article focuses on the gendered aspect of sex in prisons.
14. Bourdieu P, 'Masculine Domination', Polity Press, Cambridge, 2001.
15. Silberschmidt M, 'Masculinities, Sexuality and Socio-economic Change in Rural and Urban East Africa' in Arnfred S (Ed), 'Re-thinking Sexualities in Africa', Almqvist and Wiksell Tryckeri AB, 2004; Dover P, 'A Man of Power: Gender and HIV/AIDS in Zambia' (PhD thesis, Uppsala University, Uppsala, 2001).
16. Connel, R W 1995, 'Masculinities'. Berkely and Los Angeles, University of California Press.

In the Zambian prisons, the masculine identity comes under threat:

*our tradition stipulates that as a man I am supposed to be providing for (my family). I am a man and I am not supposed to be kept by a sister ('being kept' refers to being provided for) and that is difficult for me to take.*

In this way, prisoners express deep distress at losing the possibility of taking care of their families, compounded by having to watch their families suffer because of their absence, whilst at the same time being a burden to them.

Already at the police cells a double-bind process begins: Around the world an important prisoner code centers on 'being tough', 'being a man', 'being strong' and 'doing your time' on the one side.<sup>17</sup> On the other side, the tough prison environment does the exact opposite to the confined — it puts masculine identity under stress. Inmates in Zambia often describe a process of humiliation and 'humbling' upon being incarcerated. Many come from the police cells having been beaten and tortured by police officer and inmates in over-crowded cells, where no food is provided. Victims of trauma will make assumptions about themselves, about their identities, based on their response to trauma.<sup>18</sup> One ex-prisoner explained of his time in the police cells:

*No matter what, you will surrender. If you try to refuse they will beat you. I used to humble myself so I could keep myself (alive). They beat to kill, and there is nowhere you can run to, really. If I humbled myself I would be ignored, and they would say things like this one, you! is useless we don't need to beat him.*

So, the threat to identity may come in various forms. The prisoners in this study expressed how the social and physical violence of incarceration would have severe consequences for how they were able to perceive themselves as men performing the expected masculine roles. As one prisoner put it: 'It's a struggle for identity'.

### **Lack of basic necessities, the experience of psychological and social death, and the fear of physical death**

The prisoners in this study expressed how the social and physical violence of incarceration would have severe consequences for how they were able to perceive themselves as men performing the expected masculine roles.

Scholars such as Cohen, Sykes, Goffman and Honneth speak of incarceration as posing a threat to identity.<sup>19</sup> Building on that and on the basis on my empirical data, I propose a connection between the experience of imprisonment being death as described by many prisoners and engagement in sexual relationships. Many prisoners often refer to those who engage in sex as people who have 'lost hope'. It is death on several levels — death due to the poor conditions of imprisonment, social death and/or threat to the individual's identity.

Prisoners systematically describe the shock of entering prison as traumatic. John<sup>20</sup> explains: 'I thought it was the end of my life. I believed it was death'. John is representative of many inmates, fearing literal death due to the lack of food, overcrowding and general health issues, but also the psychological and social death in terms of losing family, the role of provider and in this way a sense of identity. John is desperate to find a solution to his problems, particularly in terms of food. He explains: 'I failed to contain the suffering. Prison pushes you against the wall, which forces you to do something'.

17. Sykes, G: *The Society of Captives: A Study of a Maximum Security Prison*, Princeton University Press and copyrighted, 2007; Liebling, A: 'Prisons and their Moral Performance', Clarendon Studies in Criminology, 2004; Liebling A and Maruna S (Ed): 'The Effects of Imprisonment', Willan Publishing, Devon, 2005.

18. Denborough, David: 'Trauma: Narrative responses to traumatic experiences', Psykologisk Forlag 2008 (Foreword to Danish version by Annette Holmgren).

19. Goffman E, 'Asylums – Essays on the social situation of mental patients and other inmates', Penguin Books, London, 1961, 1991, Honneth, A, 'The Struggle for Recognition – the moral grammar of social conflicts', The MIT Press, Cambridge, 1995. Taylor, L. & Cohen, S. *Psychological Survival, 'The Experience of Long Term Imprisonment'*, Penguin Harmondsworth, 1972; Sykes, G, 'The Society of Captives: A Study of a Maximum Security Prison', Princeton University Press, 2007.

20. Not his real name.

John is no longer who he was, and a new or different identity has to be constructed in a harsh environment with very limited options. The long sentences, the conditions of lack of food, material necessities, the fear of psychological, social and physical death — and the lack of heterosexual relationships cause a feeling of hopelessness. As one inmate explained:

*Many of them have no hope to say they will come out, and for them to relieve their sexual desires, what they had to do was to give an impression to the other man to say we are never going out and we are going to die from here.*

These factors make it possible for men, who would not otherwise engage in sex with other men to enter into sexual relationships.

### **The sexual relationship and gender roles**

Prison scholars make claims about prison subculture being oppositional to general society, for instance when it may give social recognition (even if reluctantly so) to be a murderer in prison.<sup>21</sup> It would be tempting to interpret sexual relationships in Zambian prisons as oppositional to general society as well. I would however argue that the understanding of sex is a translation of gender roles from the outside, even if the physical practice of sex is oppositional to the values of general society. Butler's heterosexual matrix<sup>22</sup>, that is the male/female dichotomy is maintained by the constructions of 'husbands', the 'wives', 'men and women'. In this way, male-to-male sex cannot be understood as oppositional, but rather as a reinterpretation of gender roles and sexuality in an environment without women. Sexuality in prison, I would argue is a reflection of the general society's hetero-normativity.

As mentioned, the typical form of sexual relationship is transactional, where the one who is penetrated receives food or other necessities as payment. The inmates call it entering into 'marriages'. There is a 'husband' and a 'wife'. As on the outside of prison, the husband is the man and the provider, and the one who penetrates in the sexual act. As the provider, he has to take care of his 'wife'. The

construction of gendered identities, are strikingly similar to those on the outside in general society.

New, inexperienced or young prisoners are typically targets for sexual abuse/favours by more senior inmates, who may be responsible for the everyday governing of the prison. Those with authority, power and access to material goods may feign concern and provide them with privileges and gifts, while not letting them know that the gifts come at a price of providing sexual favours. New inmates suddenly have unpayable debts (in terms of food etc), and are forced into sex.

Other times inmates are drugged in order to get them to surrender to sex. A cocktail of benzodiazepine, marijuana or whatever else is available (though rarely so-called hard drugs) is used. Drugs are added to food or tea, and the victim is tricked into taking it:

*You know there are those tablets for psychiatric patients those small tablets. Those people used to take those tablets I have a small flask they open that flask and in the evening they went to my cell and took about six or seven tablets and they put in my tea.*

Another inmate described how he had been reported to the prison authorities for engaging in sex, when he in fact had not (yet) engaged. He had been locked up in the penal block for punishment, sitting in knee-high water for days. This false reporting was done to 'soften him up' to make him surrender to having sex with one of the powerful inmates, who wanted him as his 'wife'.

### **The construction of the 'woman' — sex as emasculation**

Based on the significant amount of data collected for this study, entering into sexual relationships is for those constructed as women, a reflection of the lack of options they have. Becoming a 'woman' is a strategy of survival. Sex gives access to certain privileges, such as food, improved sleeping conditions or access to other necessities. Concerns about the psychological, social and physical effects of agreeing to be 'sodomised' are pushed aside for the sake of survival — at least in the short term. Ironically, engaging in sex puts your life in

21. Morash M et al, 'An Exploratory Study of the Characteristics of Men Known to Commit Prisoner-on-Prisoner sexual Violence', *The Prison Journal* 90: 161, February 23 2010, p 161-178.

22. Butler, J, 'Gender Trouble – Feminism and the Subversion of Identity', 1990, Routledge. New York.

literal danger in the longer term due to HIV infection in conditions of less than optimal health care.<sup>23</sup>

The men penetrated are also constructed as 'women' in the social life of the prison beyond the sexual act. They perform 'female' duties, such as sweeping. There are men who perform the role of women by appearing feminised in clothing and mannerism. An ex-prisoner explained how even if he enjoyed the privileges awarded as a 'woman' he felt he had to perform an act: 'You have to act like a woman, you have to pretend that you love the man, you are very restricted in every way'. This performance as women obviously entails consequences for their identity as men, but also shows how the roles of a loving relationship from outside is mimicked through the act of 'showing love'.

### **The construction of the 'man' — sex as affirmation of masculinity**

The construction of the 'man' is based on his penetrative role in the sexual act. The 'man' receives a sense of recognition through sex, where he shows he is the dominant, and this — in spite of the general homophobia — affirms his masculinity, because he is not penetrated, and therefore he is not a woman. The 'men' the research team spoke to clearly expressed how they viewed the men penetrated as 'women'. Words such as 'she', 'girl' and 'wife' would flow naturally during these interviews.

An inmate, who was not involved in sex talked of 'men' and 'women':

*They (the 'women') will approach this one (a 'man') and say I don't have this (food, soap etc), and of course they know that he a lion he is going to devour them. They go where they feel there is honey and bees always go there.*

The euphemisms of lions devouring women, and the bees and honey are sexualised and shows how a certain hyper-masculinity emerges from engaging as a 'man' in the sexual relationship, even from those who are not involved themselves.

At times so-called 'women' can climb the hierarchy and become 'men', through for instance promotion to a higher rank in the prisoner hierarchy. An ex-prisoner having previously performed the role of 'woman', was elevated to cell captain, a position of significant power and control. He now wishes to become a 'man' in the sexual relationship and through this act, he is compensated for the emasculation of imprisonment and the pain of having been a 'woman'. He explains that he is no longer a 'victim', but instead 'powerful'. His experience of being powerful is emphasized when he describes his satisfaction with his choice of sexual partner: 'There was no problem as I got to do what I wanted to do with her'.

He may have lost his role as the provider of the family, as well as the role of the man in the sexual relationship with his wife on the outside, but he has created a new sense of masculine identity. By having penetrative sex in prison, he is once again a man — but then a man with a distinct 'hyper-masculinity' based on being powerful and in control.

### **Conclusion**

In Zambian culture (as many other places) sex is socially constructed to take place between a man and a woman. However, in the absence of women, under extreme conditions and deprivation and in an environment where male identities come under threat, a way out is constructed: the young inexperienced or weaker inmates are turned into 'women' with the pain, privileges and consequences that follow. The men, the ones who penetrate in the sexual act, regain a sense of power associated with masculine identity through sex. The imaginary of the heterosexual relationship is maintained.

Even if perceived deviant and thereby a threat to normality by society, administrators and fellow inmates, hetero-normativity is in fact maintained, because sex in prisons is an interpretation of gender roles from outside society into an environment without women. These dynamics should be further researched and addressed in practical HIV prevention work.

23. Lindegaard, M. and Gear, S. (forthcoming): 'Violence Makes Safe in South African Prisons: Prison Gangs, Violent Acts and Victimization among Inmates'. *Focaal: Journal of Global and Historical Anthropology*.

# Power, Control and Money in Prison:

## the Informal Governance of the Yaoundé Central Prison

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**In the 2000s, Loïc Wacquant<sup>1</sup> noted the weakness of prison research in the social sciences. To this could be added the near-absence of studies on prisons in African countries, with the exception of a few books, mainly by historians.<sup>2</sup> As a consequence, the image of 'African' prisons largely depends on how they are discussed by humanitarian actors and in the media. The 'African' prison institution is generally summed up as an overpopulated, dilapidated space, symbolic of states that are themselves decaying. To this grey literature could be added many stories (novels, autobiographies) that describe the situation of political prisoners, condemning above all the authoritarianism of certain regimes, at the risk of remaining silent on the condition and experiences of ordinary prisoners.<sup>3</sup>**

Cameroonian prisons — the subject of this article — do not escape this characterisation. Only a few studies make fragmentary mention of the history of prisons in the colonial era. A few Cameroonians have also written their autobiographies<sup>4</sup> after being incarcerated under the authoritarian regime of Ahmadou Ahidjo, the first president of Cameroon. Since Paul Biya's rise to power in 1982, the regime has often been characterised as post-authoritarian, as reforms have been adopted creating a multiparty system and allowing relative freedom of expression. Nevertheless, the operation of institutions remains deeply marked by clientelism and corruption.<sup>5</sup> This leads to asymmetrical power relations and high levels of social inequality. The authorities do not hesitate to use force routinely. In this

context, Amnesty International has issued reports condemning arbitrary detention and prisoner living conditions characterised by deprivation (healthcare, food) and violence (humiliation, corporal punishment).

This article attempts to go beyond this prevalent image of prison in order to understand the everyday life of incarceration, on the basis of research conducted at the central prison in Yaoundé, the political capital of Cameroon. In this prison I conducted a series of investigations in April and July 2010, then in May and September 2011, as well as in March 2013.<sup>6</sup> I first held semi-structured interviews with twenty prisoners inside the prison. These were followed by more informal conversations, mainly with ten of them over a period of about three years, also in the central prison. At this time, I was allowed to go everywhere inside the prison. During this period, I also observed and spoke with prisoners in the courtyard and the death-sentence wing, and even with a few guards, particularly those in the prison registry office. I also met a few prison administration officials and NGO members. In 2013, with great difficulty I obtained permission to spend a single day in prison. As a consequence, during this period of fieldwork, I mainly studied released prisoners, particularly dealers who sell cannabis in a poor neighbourhood in Yaoundé. In fact, a lot of prisoners come from such urban places (personal data). The same situation is repeated relentlessly throughout the world, from one city to the next, from American ghettos to French suburbs,<sup>7</sup> from Brazilian favelas<sup>8</sup> to the slums of Kolkata<sup>9</sup> to the poor neighbourhoods of the capital of Sierra Leone.<sup>10</sup>

1. Wacquant, Loïc. 2002. 'The Curious Eclipse of Prison Ethnography in the Age of Mass Incarceration'. *Ethnography* 3 (4): 371-397.
2. See Bernault, Florence. 1999. *Enfermement, prison et châtements en Afrique. Du XIXe siècle à nos jours*. Karthala. Paris, and Dikötter, Franck, and Ian Brown. 2007. *Cultures of Confinement. A History of the Prison in Africa, Asia and Latin America*. Hurst and Company. London.
3. See the anthology by Mapanje, Jack. 2002. *Gathering Seaweed. African Prison Writing*. Heinemann. Harlow.
4. See in particular chapter 2 'Des rescapés racontent' in Le totalitarisme des Etats africains : le cas du Cameroun de Marie-Thérèse Eteki-Otabela (2001). Le totalitarisme des Etats africains: le cas du Cameroun. L'Harmattan. Paris).
5. Médard, Jean-François. 2006. 'Les paradoxes de la corruption institutionnalisée'. *Revue internationale de politique comparée* 13 (4): 697-710.
6. In 2010 and 2011, in the context of the TerrFerme programme 'Les dispositifs de l'enfermement. Approche territoriale du contrôle politique et social contemporain' (2009-2014), financed by the Agence Nationale de la Recherche (Ref: ANR-08-JCJC 2008- 0121-01) and the Aquitaine Regional Council (Ref: 2010407003). In 2013 in the context of the *Inverses* research programme 'Informalité, pouvoirs et envers des espaces urbaines' (2010-2014), financed by the Paris municipal government (*Emergences* call).
7. Wacquant, Loïc. 2001. 'Symbiose fatale. Quand ghetto and prison se ressemblent and s'assemblent'. *Actes de la recherche en sciences sociales* 3, 139, pp. 31-52; Chantraine, Gilles. 2004. *Par-delà les murs. Expériences and trajectoires en maison d'arrêt*. Le Monde, PUF. Paris.
8. Telles, Vera da Silva. 2009. 'Illégalismes populaires and relations de pouvoir dans les trames de la ville.' In Robert Cabane and Isabel Georges (dir.), *Sao Paulo. La ville d'en bas*, L'Harmattan, Paris, pp. 125-134.
9. Bandyopadhyay, Mahuya. 2010. *Everyday Life in a prison. Confinement, Surveillance, Resistance*. Orient Blackswan, Hyderabad.
10. Jefferson, Andrew M. 2012 'Conceptualising Confinement: Prisons and Poverty in Sierra Leone' *Criminology and Criminal Justice*.

This article analyses prisoners' adjustments to a constrained space. It assumes the existence of a disparity between the space as designed by prison authorities and the space as transformed by prisoner strategies and tactics, not to mention those of guards. It studies power relations, not just between guards and prisoners, but also among prisoners themselves. Prison could be defined as a set of interlocking spaces and passages whose control is the foundation of a power apparatus.<sup>11</sup> The daily order in the prison cannot be understood simply by appeals to formal procedures or rules but by understanding the informal arrangements, architecture and discourses especially of prisoners and guards. This is particularly true in the Yaoundé central prison, one of Cameroon's six central prisons. It has one of the highest prison overcrowding rates in the country.<sup>12</sup> Built in 1968 for 1000 prisoners, in May 2011 it housed 3,830 prisoners (personal enquiries).<sup>13</sup> This concentration of individuals leads to conflicts and creates the need to negotiate the use of prison space. It also gives rise to informal practices that supplement and connect with institutional practices in the day-to-day management of the prison. I will begin my discussion of power relations in the Yaoundé central prison by exploring its main spatial divisions. Some of them are regulatory, others informal. I will then explain to what extent it is helpful for prisoners to be able to circulate through prison and access various spaces, beyond prison's 'classic' divisions.

### **The production of the prison space: institutional divisions and informal appropriations**

Like many prisons worldwide, the Yaoundé central prison begins with a blank outer wall, including a patrol path and watchtowers. After passing through a first door, then crossing the Courtyard of Honour and the administration offices, a second wall delimits the official

detention zone. Here, distributed around the Main Courtyard, are various wings, many of which are composed of several buildings containing shared cells<sup>14</sup> known as '*locaux*' (or '*local*' in the singular, meaning 'premises'). Also in this courtyard are the offices of the *Chef Discipline* (Head of Discipline) and his guards, where regular searches of the wings are planned. There are two disciplinary cells located in two of the prison's wings.

The distribution of prisoners initially appears to correspond to three criteria: age, gender and sentence.<sup>15</sup> Thus one notes a minors' wing, a women's wing and another reserved for prisoners sentenced to death.<sup>16</sup> But then one notices the presence of several other buildings. In prison language, these are known as 'VIP' wings because they are reserved for former members of government and managing directors of semi-public companies prosecuted by the Cameroonian state for misappropriation of public funds in the context of a recent major anti-corruption operation. These prisoners rarely move through the prison grounds without bodyguards, whom they recruit from among their fellow prisoners and pay out of their own pockets. In principle, women and minors should only enter the courtyard for sporting activities or festive events. They

are also allowed access to certain wings on Sundays during worship services. These distribution practices are to be found from prison to prison, and well beyond Cameroon. In theory, the goal is to keep prisoner numbers in check, to categorise them in order to better control them. In addition, these classification practices are not entirely devoid of the wish to protect the most vulnerable categories of prisoners and offer minimal services, theoretically guaranteeing incarceration conditions worthy of international conventions.

However, an understanding of prison cannot be limited to these categories created by institutional actors. It is necessary to examine the status and role of

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of prisoners  
and guards.

11. Foucault, Michel. 1975. *Surveiller et punir*. Paris: Gallimard.

12. According to the Pacdet programme (Improvement of Detention Conditions, Cameroon / EU, 2007-2011), the occupancy rate of the Yaoundé central prison was 38 per cent in 2010. Defendants are in the majority.

13. In 2013, it housed 4,349 prisoners (personal enquiries).

14. In theory, one cell, or *local*, can accommodate 9 to 12 prisoners.

15. Convicted prisoners are not separated from defendants. The length of the sentence does not influence the distribution of prisoners, with the exception of those who have received death sentences.

16. In reality these prisoners serve life sentences.



four other wings: Wing 1, Wing 3, and especially Wings 8 and 9, which are known as the 'Kosovos' and house most of the prisoners. We need to analyse the social relations at play between prisoners, as well as the interactions between prisoners and guards.

The Kosovos are presented as repulsive by a lot of prisoners and guards. Along with the prisoners in the 'Laundry Room'<sup>17</sup> (who are mentally disabled) and those sentenced to death, the prisoners in Wings 8 and 9 define themselves as the 'bottom' of the prison. The so-called VIP wings (7, 13 bis, 15 bis) and Wings 1 and 3 constitute the 'top' of the prison. Their occupants consider themselves 'responsible people', and they go out of their way to distinguish themselves from the 'bandits' in the Kosovos. They believe they have worked in honourable professions (as shopkeepers, employees, military personnel, civil servants), whereas, in their eyes, the prisoners in the 'bottom' make their living from petty informal and illegal activities (market porters, car washers, etc.), lack education and are probably illiterate. They tell themselves they have been sentenced for 'nobler' crimes (embezzlement, fraud) while they accuse the 'bottom' prisoners of being 'armed robbers' devoid of morality. Without claiming to be part of an elite (a position reserved only for the 'VIPs'), they claim to belong to a 'middle class', which is implicitly defined in contrast to the traits they attribute to people from the poorest categories. They are trying to avoid the blemish of the prison. At the same time, all these prisoners continue to demonstrate deference to the 'VIPs', and to wait for financial help, food and other little favours. In prison, the 'VIPs' don't lose their social status, neither their social and financial advantages. Urban inequalities are reproduced within the prison.

The way that prison wings are accessed sheds even more light on social relations among prisoners. It also clarifies the relationship of domination between prisoners and institutional actors. In principle, after a prisoner spends a few days in a transit cell, the prison administration will assign him to a *local* in a specific wing. However, depending on the prisoner, it is possible to change the administration's decision by appealing to the *Chef Discipline* and the Prison Director: a place in

prison can be bought through bribery. The most well-off prisoners (but only among those considered 'responsible' by the guards) will pay 25,000 cfa francs minimum to avoid the Kosovos and obtain a *local* with a bed<sup>18</sup> in a less crowded wing. The Kosovos house the poorest prisoners. Arriving in wings 8 and 9 is only the beginning of a brutal initiation into prison. Overcrowding is such that many prisoners are unable to have bed. They are known as the '*dorment-à-terre*' ('people who sleep on the floor'). Although a new arrival with no money or connections is assigned to a cell, he will sleep directly on the floor, initially in the doorway. Then he can only hope that as other prisoners leave, it will be possible for him to move further into the

cell and eventually access one of the five or six bunk beds containing three places each. A prisoner can access a bed as soon as someone else is released by paying around 10,000 cfa francs to the prisoners responsible for the wing (see below) and sometimes also to their associates.

And yet, some prisoners will choose to be assigned to the Kosovos as a means of more easily avoiding the surveillance of the guards (in order to smoke cannabis, to make phone calls and so on). It is sometimes also a matter of being close to their

associates, with whom they can try to improve their time in prison by stealing, swindling, trafficking or by gaining access to various privileges and roles. Prisoners in wings 1 and 3 are subjected to more searches. The guards seize the smallest pretext (cigarettes, mobile phone, etc.) to threaten to send culprits to one of the Kosovos. Here again, penalties can only be avoided through bribery.

In an overcrowded, deteriorated prison, architecture and the mere presence of guards — greatly outnumbered by inmates<sup>19</sup> — are not enough to guarantee the control of prisoners. Bribery constitutes another means of establishing hierarchies and links of obligation between guards and prisoners, for the sake of maintaining order. Prison administration officials keep within certain limits when it comes to applying the rules, whether formal or informal. They will not overstep certain social and penal boundaries. A prisoner who has been convicted of a crime like armed robbery,

In prison, the 'VIPs' don't lose their social status, neither their social and financial advantages. Urban inequalities are reproduced within the prison.

17. Thus named because it used to be the prison laundry room. It was converted into a detention wing to deal with high prisoner numbers.

18. Prisoners are only supplied with a bed base.

19. I was unable to find the exact figure.

or is known to come from a poor neighbourhood would, in principle, not be assigned to wings 1 and 3 even if he were well-off.<sup>20</sup> In any event, when certain prisoners have the possibility of avoiding a few rules, this gives personal power to individual agents of the institution. This monopoly of 'regulations and exceptions'<sup>21</sup>, by guards and especially by the *Chef Discipline* and Prison Director, who appear to make the final decisions, makes the prison a significant financial and symbolic resource. We see the emergence of a regular income in the context of constant financial exchanges, especially bribery payments. As we will see below, the study of prison circulation throws even more light on these exchanges and their logics.

### Prison circulation

I would like to place greater emphasis on the possibilities for movement and mobility that arise from such arrangements and negotiations — not just between guards and prisoners, but also among prisoners themselves.<sup>22</sup> These mobilities also reveal the double hierarchy that exists in surveillance work: the guards are of course responsible for it but they delegate certain tasks to a few prisoners, keeping these tasks under their control.

The prisoners in different wings are connected to one another, though the wings for women, minors and VIPs are less connected. Circulation between wings at daily or weekly intervals guarantees the possibility for networking. Movements are often linked to an activity that generates income, meagre though it may be. For example, being assigned to the kitchens makes it possible to get outside the prison walls and eat more. In the Main Courtyard, *taxis* (selected by a prisoner responsible for maintaining order: the *Chef Cour* (Courtyard Chief), see below) are in charge of fetching individual prisoners from their wings, at the request of another prisoner, a guard or during visiting days. It is up to them to know how to find the person among the ten wings and thousands of prisoners. A competition may be set up, with the winner receiving 50, 100 or up to 200 cfa francs,

This monopoly of 'regulations and exceptions', by guards and especially by the *Chef Discipline* and Prison Director, who appear to make the final decisions, makes the prison a significant financial and symbolic resource.

depending on the goodwill of the person making the request. By the same token, women call on *Commissionnaires* (delivery men) who are responsible for relaying meals, objects or even messages to men in other wings (and vice versa), or making purchases, especially in the courtyards of the *Kosovos*, where everything is sold (vegetables, fruit, hardware, fabrics, magazines, telephone cards, cannabis, etc.).

Other movements are about getting oneself to a wing other than one's own during the daytime, particularly to wings 1 and 3 and the death sentence wing. It is matter of escaping boredom, meeting other prisoners for business, pleasure or prayer. The death sentence wing is reputed to be a Mecca for dealing and using cannabis. To smoke, prisoners hide behind a curtain hung in the cell doorway, something that does nothing to mask the smell. For many inmates, accessing these wings (1, 3 and the death sentence wing) is particularly synonymous with small jobs like that of *majordome*. This involves cooking and washing dishes for one's employer (a wealthier prisoner). Payment varies and often consists of gifts of clothing or food. For prisoners in the *Kosovos*, access to less dirty, less crowded toilets and showers (that are also more secure) represents an undeniable resource.

With prisoner numbers so high, the wish to categorise and count them becomes a pious hope. The guards are compelled to enlist the help of selected prisoners, who are in charge of morning and evening prisoner counts, assigning cells and places and, more generally, enforcing silence and some semblance of hygiene. At the *Chef Discipline's* discretion, each wing is placed under the surveillance of prisoners: a *Commandant* (Commander), assisted by a *Coordonnateur* (Coordinator) and a *Maire* (Mayor) who looks after housekeeping in the wing. The *Commandants* rely on *escadrons* (squadrons, of prisoners), responsible for maintaining order.<sup>23</sup>

There is also a *Commandant*, *Coordonnateur* and *Maire* at the cell level, all chosen by the wing

20. But he would not necessarily seek a place there, since his reputation and connections would guarantee him material and financial advantages in the *Kosovos*.

21. Bourdieu, Pierre. 1990. 'Droit et passe-droit'. *Actes de la recherche en sciences sociales* 81 (1): 86-96.

22. I am omitting analysis of fatigues carried out in the city, of transfers to court, etc.

23. The *Commander* can stop a fight, but he may also cover up the theft of prisoner property committed by his neighbours.

*Commandant*. New arrivals remain on housekeeping fatigues until they pay a 'tax' of 2,500 cfa francs. They also have to give 250 cfa francs to the *escadron* occupying the wing's *police post*. Those who fail to pay their weekly cell fee (on average 100 cfa francs for a *mandataire*<sup>24</sup>, 50 otherwise) have to clean the *local* or face losing their bed (or their place on the floor of the *local*). Prisoners who obtain positions of responsibility enjoy a certain benevolence on the part of the authorities (in terms of visits, goods they are allowed to receive, nights out in the Main Courtyard, etc.) and benefit from a financial resource. They are the men that other prisoners pay for a bed or favour, as part of an assymetric system that profits a minority. The mechanism is the same in the women's wing, with a *Commandant* in each wing and each cell, a *Mère-local* (Cell Mother, the equivalent of a *Chef local*) and a *Maire*. Although payments are mandatory, and although the ragging of new arrivals is acknowledged, the women claim to have greater solidarity.

The *Chef Cour* (Courtyard Chief) is another figure in this system. Backed by his *escadron*, he looks after order in the courtyard. He goes from wing to wing inquiring after prisoner numbers. He appoints the *taxis*. Finally, he chooses the wing *portiers* (porters). *Portiers* control access to and from the courtyard for a fee. Those who do not pay (50 cfa francs at least for the first exits) and do not know anyone are not allowed out.<sup>25</sup> Two *portiers* are in charge of supervising one of the two doors leading to the prison's first courtyard: the Courtyard of Honour. The other door is supervised by guards. The space between these two doors forms a compartment known as '*La Porcherie*' (The Pigsty), under the control of prisoners. The *portiers* (prisoners) must especially ensure that there are no escapes on visiting days because of visitors and prisoners are all together in the courtyard. Finally, it is worth noting the presence of certain '*indics*' (informers) among the prisoners. In return for information, they enjoy a certain status in the prison (they have a role in the surveillance apparatus as, for example, fetching defendants before they leave for court) as well as little advantages (being allowed to stay

in the Courtyard of Honour, getting a place on fatigues, going out into the city). Every Prison Director has his trusted men among the guards and prisoners. He also receives his own payments, some arrangements being made directly with prisoners, particularly between himself and the VIPs.

## Conclusion

To sum up, we can conclude that in prisons in Cameroon there typically exists pyramidal surveillance that produces a double hierarchy: between guards and prisoners, and among the prisoners themselves. Guards are responsible for maintaining order, but they delegate

some tasks in certain places to a handful of prisoners, those who have been convicted, have spent several years in prison, and are considered to possess — to quote a guard — 'good morality', an expression that could appear paradoxical in a prison context. Although guards organise wing searches, the maintenance of day-to-day order is mainly delegated to the 'government' (to use prison jargon), that is to say to the *Chef Cour*, the *Commandants* and their *Coordonnateurs*, and finally to their *escadrons*, particularly in the wings and cells.

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prisoners in order to deal in certain items (cigarettes, cannabis). This can lead to misunderstandings and trigger conflicts between guards, since they do not all feel the same way about this sort of arrangement.

It is therefore futile to try to understand how prisons are managed by only interpreting rules of procedure (whose existence remains to be proven in Yaoundé) and studying their application. To quote A. Chauvenet: 'a guard's authority is a given only on a legal, abstract and symbolic level'.<sup>26</sup> Together, prison authorities (numerically the minority) and prisoners (in the majority) 'have [...] a shared interest in maintaining a 'peaceful coexistence' or an 'armed peace'.' (ibid.). The control of space, its appropriation, not to mention its division into territories, lead to forms of clientelism and bribery that benefit both

24. *Mandataires* (Mandataries), contrary to *dorment-à-terre*, are those who have a bed, which is called *mandate* in prison slang.

25. Prisoners sentenced to death can go everywhere, as can the various *Chefs* (with the exception of the women's and minors' wings).

26. Chauvenet, Antoinette, Françoise Orlic, and Georges Benguigui. 1994. *Le monde des surveillants de prison*. PUF. Paris. p. 83.

parties. Likewise, drug trafficking by prisoners would not be possible without the support, indeed the participation of guards, and this illegal trade is also at the root of a certain maintenance of order. Prisoners and guards both derive advantages from peaceful social relations in prison. These informal processes, some of which are illegal, are common to prisons across the world<sup>27</sup> and across different eras.<sup>28</sup> In Yaoundé, the actors on site have internalised these norms, which are circulated by means of a strategic distribution of key roles in the management of the prison. This leads to the existence of a true power apparatus<sup>29</sup> in which prison rules are not codified anywhere, but in which, on the other hand, multiple but hidden arrangements are legion.

However, prisoners seem to be selling off a form of freedom by maintaining a system that is ultimately to

their disadvantage. Only a minority see their room for manoeuvre increased. Though they are in a position to exert a certain power over other prisoners, and obtain a status that sets them apart, they remain incarcerated and subject to arbitrary treatment from prison authorities. Prison overcrowding does not generate much opposition to the prison administration (aside from a few escapes). Perhaps prisoners' tactics<sup>30</sup> are best interpreted as simply a means of survival in the context of a 'total institution'?<sup>31</sup> Nevertheless, as one studies daily carceral experience, one does see evidence of small tactics through which prisoners resist their confinement. It is through observations, such as those shared in this article, that it becomes possible to nuance the idea of prisoners' strict subjugation within this apparatus and to understand their ways of becoming political subjects.



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27. See for example in France: Chauvenet, Antoinette. 1998. 'Guerre et paix en prison'. *Les cahiers de la sécurité intérieure* (31): 91-109. See also Garces, Chris, Tomas Martin, and Sacha Darke. 2013. 'Informal Prison Dynamics in Africa and Latin America'. *Criminal Justice Matters* 91 (1): 26-27.

28. See for example Aguirre, Carlos. 2005. *The Criminals of Lima and Their Worlds*. Duke University Press. Durham, London.

29. Foucault, Michel. 1997. *Il faut défendre la société: cours au Collège de France: (1975-1976)*. Paris: Gallimard.

30. Certeau, Michel. 1998. *L'invention du quotidien*. Nouvelle éd. / Paris: Gallimard.

31. Goffman, Erving. 1961. *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. New York: Doubleday.

# Entangled governance practices and the illusion of producing compliant inmates in correctional centres for juvenile and young offenders in Ghana

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## Introduction

**Dominant domestic and international discourses have in the past standardised African prisons and correctional centres as characterized by poor conditions requiring criminal justice and human rights reforms.<sup>1</sup> While it is important to draw attention to such conditions, these perspectives are usually over-rehearsed and the continual calls for reform and change have yielded only modest improvement over the years.<sup>2</sup> When penal institutions in the South are approached from without as though they are uniform entities conceptualized by default as monolithic and resistant to change, such reforms make little difference.<sup>3</sup>**

I depart from such dominant discourses to discuss everyday perspectives on detention as well as the social aspects of correctional centres. These perspectives which have received less attention from researchers given that they are invisible and difficult to research, challenge commonsensical notions of prison life and demythologize notions of imprisonment in Africa.

Discussions are on the basis of two years of ethnographic research in Ghana from 2009 to 2011 in two confinement sites for children in conflict with the law.<sup>4</sup>

By employing various methods such as collection of life-story narratives, participant observation,

unstructured, open and conversational interviews as well as focus group discussions, I unearth common forms of everyday governance of correctional institutions.

The main contention of this paper is that whereas institutional procedures, rituals and routines seek to render inmates compliant and hence governable<sup>5</sup>, in actual fact youngsters are not easily trimmed or programmed by institutional procedures. Nonetheless, in order that correctional institutions keep up the appearance of producing disciplined and compliant inmates, certain negotiations and informal arrangements are embarked upon by staff and youngsters. Officers sometimes enlist the support of inmates to undertake supervision roles, resulting in a sort of shared governance, where the governors enlist the cooperation of the governed. At other times inmates' internal social life which is partly shared by staff, is relied upon for the maintenance of order and discipline.

I open discussions in this paper with the narrative of Kwesi, a sixteen year old boy who like the majority of youngsters in conflict with the law, described growing up with family as the beginning of a difficult life that culminated in committal to a correctional institution.<sup>6</sup> Focusing on entry procedures, I draw on an institutional ceremony that is aimed at initiating Kwesi and other youngsters into sameness thereby enforcing compliance with an inmate role. Enforcing this inmate

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1. Sarkin, J. (2008). *Human rights in African Prisons* Capetown, South Africa: HCRC press.
  2. Ayete-Nyampong, L. (2013). *Entangled realities and underlife of a total institution*. PhD thesis, Wageningen University, The Netherlands, Wageningen.
  3. Jefferson, A. (2007). Prison Officer Training and Practice in Nigeria: Contention, Contradiction and re-imagining Reform Strategies. *Punishment and Society*, 9(3), 253-269.
  4. Ayete-Nyampong, L. (2011). Situating CRC Implementation Processes in the Local Context of Correctional Institutions for Children in Conflict with the Law in Ghana. In R. Ame, A. DeBrenna & N. Apt (Eds.), *Children's Rights in Ghana: Reality or Rhetoric?* Lanham MD: Lexington Books; Ayete-Nyampong, L. (2013). *Entangled realities and underlife of a total institution*. PhD thesis, Wageningen University, The Netherlands, Wageningen. I researched two confinement sites, the Junior Correctional Centre (JCC) and the Senior Correctional Centre (SCC). These two institutions share commonalities, yet are different in terms of architectural layout besides being manned by different oversight authorities. The quotes shared in this article are taken from this thesis.
  5. Goffman, E. (1968). *Asylums: Essays on the Social Situation of Mental Patients and other Inmates*. Hammondsworth: Penguin.
  6. The majority of these youngsters have from childhood until arrest and subsequent detentions, suffered various forms of neglect, rejection and deprivations. Mark Halsey (Halsey, M. (2007). On confinement: Resident and inmate perspectives of secure care and imprisonment. *Probation Journal* 54:338-67. } writes about how prison is often not a new deprivation but simply an exacerbation of already existing deprivations for inmates. While some youngsters in correctional centres in Ghana admit to better material conditions relative to living conditions that characterize their pre-custodial lives (Ayete-Nyampong 2011, see footnote 4), they detest the deprivation of liberty.

role however presents a challenge to the governors who sometimes are obliged to rely on youngsters' own means of social control, for example, through the practice of dorm rituals. I also briefly document certain aspects of social relations characterized by hierarchy, intimacy and interdependence. I conclude with some conceptual considerations as well as recommendations for policy.

### Youngsters' entry into correctional centers<sup>7</sup>

At the time Kwesi was born, his parents had already divorced. He stayed with his father, though for a relatively short period.

*My father never liked me and anytime I came late from playing football, I was beaten severely. He never took care of me. He beat me often and I never wanted to set eyes on him. Anytime I see his face my heart beats...*

As a result of the beatings and rejection, Kwesi moved on to stay with his grandma. According to Kwesi, his stay with his grandma was equally unpleasant. He was beaten often and not cared for. However, he did manage to survive

*I started collecting pieces of metal scraps and from the purchases I earned a minimum of 2.50 Ghc (1.0 USD at the current exchange rate).<sup>8</sup> Children like me would go and collect these scraps and sell. One day, I went as usual to find some scraps..., I was hungry and so I decided to make some money...*

The owner of the house caused Kwesi's arrest and this landed him in the police station and finally in the correctional institution for young male offenders, the Senior Correctional Centre.

Whereas these two centres are bounded only by low walls so as to emphasize the correctional policy of these institutions, in everyday talk they sound more like prisons.

The Senior Correctional Centre (SCC) — which mostly engages the attention of this paper — and the Junior Correctional Centre (JCC) for female offenders as well as other correctional centres for juvenile offenders were established in the mid twentieth century. This is the same period within which social work in Ghana acquired official status under the British colonial government. There was no formal provision<sup>9</sup> for juvenile delinquents prior to this period and juvenile delinquency had been addressed informally through non-custodial processes such as restitution, compensation, fines, mediation, apologies and, occasionally, punishment.<sup>10</sup>

In accordance with the Juvenile Justice Act 653 of 2003, a juvenile offender is a child under age 18 who is in conflict with the law and has been convicted of an offence whereas a young offender is one who is 18 years or above (but less than 21 years) who has been convicted of an offence. Juvenile and young offenders are held in junior and senior correctional institutions respectively. The latter additionally holds juvenile offenders who are below 15 years but have committed serious offenses.<sup>11</sup>

### Correctional institutions or prisons?

The SCC and the JCC assumed their present names since the passage of the Juvenile Justice Act in 2003. Whereas these two centres are bounded only by low walls so as to emphasize the correctional policy of these institutions, in everyday talk they sound more like prisons. For example, staff and youngsters still make reference to the former names of the institutions. There are more frequent references to the former name 'Borstal' than the Senior Correctional Centre though SCC does tend to feature in official conversations and documents. At a meeting with senior staff they complained that the institution was run by prison

7. Official records at the boys' institution were consulted in March 2010 based on available data covering 146 boys from January 2006 to March 2009. Youngsters were aged between 12 and 21 years. Offences for which youngsters are committed to correctional centers include robbery, defilement, assault, unlawful entry, threat of death etc. An average of eight girls were in committal during the period of field work; offences committed run the gamut from stealing, abetting, through loitering to prostitution. The majority of girls (50%) were committed on charges of stealing.

8. <http://ghs.fxexchangerate.com/> Accessed 13th February 2014.

9. Prisons had been in existence prior to this period and the British colonial administration had oversight of Ghana's prisons until the period after World War II.

10. DSW. (2005). A report on the State of Juvenile Justice Administration in Ghana. Accra, Ghana: Department of Social Welfare and UNICEF.

11. Serious offences according to the section 42 (8) of the Juvenile Justice Act include murder, rape, defilement, indecent assault involving unlawful harm, robbery with aggravated circumstances, drug offences and offences related to firearms.

officers who virtually had no training in handling children and youngsters, implying that the centre was still run as a prison. Similarly, an assistant officer in charge of one of the centres lamented,

*This institution was governed by rules formulated by the Ghana Prisons Service and yet these inmates are children. Almost all of us are transferred from adult prisons and so we do not have any particular training to equip us to work with them.*

In focus group discussions with youngsters, they were surprised that the institution was not officially a prison but a correctional establishment. Eight of ten youngsters, prior to committal, had heard that the Borstal, was a prison for bad boys. Whereas correctional centres in Ghana undertake various educational and religious activities in a bid to promote appropriate behavioural changes, the very people called to enforce correction as well as those to be corrected still conceive these institutions as prisons, thereby confining the term 'correction' to a euphemistic usage.<sup>12</sup>

### **Homogenising inmates into compliance**

Following arrest and trial, Kwesi was admitted to the SCC. I describe below extracts of an institutional church service, a sort of initiation ceremony, which constitutes an institutional procedure in the correctional institution in keeping with Goffman.<sup>13</sup> This initiation ceremony welcomes youngsters by inviting them to narrate their diversified experiences and yet at the same time, as I will show below, they are made to conform to the homogenizing demands of the correctional institution. Initiation ceremonies are rites of passage, which according to Goffman<sup>14</sup>, are elaborated forms of admission procedures which he calls 'the welcome' and constitute socializing moments that seek to indicate to the inmate that he is merely an inmate. By obtaining initial cooperativeness from the inmate right from the onset, that which Goffman<sup>15</sup> describes as 'obedience tests', inmates learn not to challenge orders.

By obtaining initial cooperativeness from the inmate right from the onset, that which Goffman describes as 'obedience tests', inmates learn not to challenge orders.

During Kwesi's initiation, he and other new youngsters were accorded a welcome while onlookers seemingly ignore their distinct stories despite their eagerness to narrate these stories. Their inmate role was enforced and their personal, individualising stories were quietly tucked away, possibly never to be told.

Kwesi was introduced during a routine church service which saw the attendance of both staff and youngsters. Following the sermon and the offertory which was accompanied by some dancing, the Officer-in-Charge (OIC) invited Kwesi and other newly admitted inmates to line up in front of the gathering. The OIC asked them to introduce themselves and to state what crimes had brought them to the institution. These new arrivals told their stories amidst various interjections, giggles and mumblings from staff and youngsters who often shouted out: 'stop telling tales and go straight to the point'; 'the story is too long, not necessary, cut it short'. In the course of the narrations, my attention was caught by Kwesi, who was adept at narrating his experience and yet seemed to lack the courage to carry through with his story. He broke down in the process and cried. He said:

*I could not believe that collecting a metal scrap that earned me two Ghana cedis (less than 1.0 USD at the current exchange rate)<sup>16</sup> would contribute to my present demise...*

Kwesi was the only one who shed tears during the service as he tried to relate his story which he never got to tell in full. The interjections of the audience are a seeming indication that youngsters like Kwesi, are intentionally and immediately stripped of their personal and previous attachments in order to become compliant with an inmate role.

### **Institutional routines and shared practices of governance**

In conformity with an inmate role, Kwesi and other youngsters, upon committal are made to put away personal belongings and clothed in identical uniforms

12. According to critics prisons have rarely lived up to their rehabilitative or correctional claims. See, for example, Drake, D. (2012) *Prisons, Punishment and the Pursuit of Security*. Basingstoke: Palgrave Macmillan.

13. Goffman, E. (1968). *Asylums: Essays on the Social Situation of Mental Patients and other Inmates*. Hammondsworth: Penguin.

14. Ibid p.27.

15. Ibid p.26.

16. <http://ghs.fxexchangerate.com/> Accessed 13th February 2014.

and shoes and sometimes are accorded the same name.<sup>17</sup> Daily, one observes like-situated young people and children engaging in activities that are repetitive and regimental. A typical day for an inmate is a twelve hour day, well packed with tasks such as fetching water, breakfast, and morning assembly, through classrooms lessons, vocational and technical workshops as well as religious discussions and counselling sessions. These activities continue till six p.m. when youngsters take their supper and then prepare to be locked up until the following morning.

Apart from initiation ceremonies and repetitive daily chores, youngsters also undergo institutional routines such as marching, and counting. Counting is a regular exercise which is undertaken when entering dormitories, classrooms, workshops, the dining hall and church services. In fact counting is done virtually everywhere. Counting is usually paired up with marching. Often marching follows once numbers are checked. Officers manage to do such counting accurately though sometimes there is reliance on leaders of dorms, namely captains and their assistants to undertake this task. On one occasion when youngsters were almost done with their counting and about to leave, one of the warders shouted to the last youngster to say: 'Last fifteen', meaning he is the last person and also the fifteenth. This reduces the burden of the officer having to always remember the total number.

The reliance on inmates to count or to supervise other youngsters is crucial for the maintenance of order and discipline. Ewoame<sup>18</sup> has described in neat detail inmate hierarchy in adult prisons in Ghana and the involvement of such inmates in governance. Inmate participation in governance of detention institutions has also been observed in prisons in India<sup>19</sup> and Latin America.<sup>20</sup> (See also Morelle, this issue, on the distribution of governance tasks in Cameroon, and Jefferson, Feika and Jalloh on the 'fusion of function' in Sierra Leone).

Involving youngsters in the governance of centres however has its own ramification. The officer quoted above raised concerns about trust and cynicism as he further advanced his conversation:

The reliance on  
inmates to count or  
to supervise other  
youngsters is crucial  
for the maintenance  
of order and  
discipline.

*The leaders here can hardly be trusted. There was this assistant captain who upon my recommendation was to be promoted to dormitory six and yet just recently he misbehaved...he influenced other boys to protest and I demoted him as a result.*

Officers generally complain that working with youngsters was difficult compared with working with adult prisoners. According to officers in the yard, youngsters do not yield to discipline; they do not take orders promptly. One officer shared his frustration:

*I find working with these children difficult...Here, young offenders take life easy and sometimes at 7am some are still not out of their dormitories.*

At the SCC, an officer had to virtually beg youngsters for about ten minutes to attend lessons, against lots of excuses by the boys that they were unwell and tired.

The officer lamented:

*They do not seem interested in what we offer them, only about three out of ten do. With all the efforts we put in, the boys show little interest and they have to be*

*forced and sometimes coaxed in order to show some seriousness; this makes our work difficult.*

Officers are frustrated when they are unable to enforce compliance and admit to a limit of official power. This results in reliance on cooperation from inmates to the extent that youngsters are sometimes cajoled or begged to participate in institutional activities. While coaxing and begging is not typical of expected officer conduct, these behaviours come handy in difficult situations, reflecting the distribution of authority in correctional establishments. The power to govern does not rest permanently with detaining authorities, nor does it emanate from the top.<sup>21</sup> Similarly youngsters who are purportedly rendered

17. I observed that many youngsters were referred to by some staff as 'Kweku'.

18. Ewoame, H. H. (2011). *Wedding Behind Bars: The Emic Perspectives of Male Prisoners on Same-Sex Sexual Practices in Ghana*. Degree of Master, University of Amsterdam, Amsterdam.

19. andyopadhyay, M. (2007). Reform and Everyday Practice: Some Issues of Prison Governance. *Contributions to Indian Sociology*, 41(3), 387-416.

20. Darke, S. (2012). *Self Governance in Brazilian Prisons* Paper presented at an International Symposium on Prison Ethnography: Resisting the Eclipse, Milton Keynes.

21. Foucault, M. (1977). *Discipline and Punish: The Birth of the Prison*. Trans. Alan Sheridan, New York: Vintage.



governable by means of institutional routines, are not pinned to passive inmate roles.

In the section that follows, I discuss certain ways by which youngsters manoeuvre to meet every day needs in detention and at the same time support the maintenance of order and discipline in their dorms.

### Captains and brannies

Youngsters at the male correctional centre (SCC) are housed in six dormitories (dorms), numbered one to six. Youngsters progress from dorm one through to dorm six based on length of stay and good behavior. Each dorm holds between fifteen and thirty occupants and is manned by captains and assistants who are appointed by staff to supervise the enforcement of rules and safeguard the maintenance of order in the dorms.

Kwesi and other new arrivals were placed upon admission under mandatory observation for between six months and one year and were housed in the first dormitory. New arrivals to the first dorm are referred to as 'brannies'.<sup>22</sup> Whereas a typical day for a young offender from the third to the sixth dorm is a twelve hour well-packed day, beginning at six am, not so for Kwesi and other brannies. Brannies are confined within dormitory walls, and do not participate in technical and vocational training, a key activity that runs through the day. Besides being confined to their dorms, brannies encounter various challenges, such as not receiving visitors regularly and therefore not having the extra food and money that comes with the regular receipt of visitors. Brannies such as Kwesi are also taken through a series of initiation rituals which they term ammamre. Kweku, one of Kwesi's dorm mates relates his experience:

*My stay at dorm one was difficult and I nearly absconded. You do not go out, you are maltreated by other inmates-told to salute the TV, they pomp your cheek<sup>23</sup> ...*

Though staff are not always aware of the minute details entailed in maintaining such a control over the dorm, they nevertheless benefit from it so far as captains manage to enforce order.

These rituals are numerous and vary in severity. According to youngsters, rituals mark the initiation of brannies into dorm life. They are also employed as punishment for defiant inmates who break insider rules, and failure of a brannie to submit to a ritual attracts sanctions in the form of severer rituals. Some youngsters have admitted that these rituals and peer-foisted sanctions are severer than sanctions meted to them at the formal institutional level. Rituals thus represent youngsters' own forms of social control, punishment and maintenance of hierarchy, but also incite a sense of belonging where they carve out a social space for themselves. Though staff are not always aware of the minute details entailed in maintaining such a control over the dorm, they nevertheless benefit from it so far as captains manage to enforce order.

Sometimes youngsters devise their own means of solving disputes. John explained how spiritual practices are employed to solve disputes and settle scores among themselves:

*... we use the Bible to determine wrongdoers and thieves in their dormitory Culprits, who are identified using the Bible<sup>24</sup>, face harsh consequences and are not let to go free.*

Compromises between staff and youngsters are also reached at the JCC. For example youngsters might be obliged to keep watch over the premises of a staff member while the officer undertakes some duty outside the premises. An officer at the female centre lamented about how she would miss the services of a female captain upon her discharge from the institution:

*I am really going to miss Yaa, the girl's captain. She was almost like a daughter to me. She could freely enter my kitchen and never touched anything and would not even ask of anything. I do not worry about the possibility of a theft when I go to town as she watches over the house. There is no replacement for her!*

22. The term stems from brand new. Sometimes new arrivals in other dorms bear the same title but the term is predominantly used in association with the first dorm.

23. This entails literally saluting the television with a greeting; the action is repetitive and can last for two to three minutes. Pumping involves a youngster making a fist and pressing back and forth into the cheek of a brannie, a painful experience which sometimes results in blood oozing from the gums.

24. Youngsters recite some Bible verses after which the Bible purportedly spins, at the end of the spin, it points at the culprit.

While youngsters seek to maintain the support of officers or captains, officers also find themselves in situations where they become dependent on inmates. Thus, institutional authority manifests variedly and does not descend singularly from officer to inmate but is dotted by intimacy, domesticity as well as interdependence.

### Conclusion

Foregoing discussions challenge commonsensical notions of prison life and demythologize notions of imprisonment in Africa. Life in prisons and correctional centres is not all about material deprivation and oppressive officers. On the contrary everyday detention life features social interactions that are mundane and intimate as well as governance practices which do not always exhibit a neat marked boundary between officer and inmate, but are entangled. Entanglement in this regard suggests a loose and episodic mesh of social relations that are mutually supportive and interdependent. Such a mesh of interactions are not akin to a trap or a tangle from which one cannot free oneself; they are characterized by negotiations and connote some degree of symmetry but also hierarchical

differences. Arce and Long<sup>25</sup> make similar reference to complex entanglements of social relationships. They write of the notion of interface as entailing social relations that are always on the move and characterised by negotiations.

The intricacies of entangled and informal interfaces that characterize confinement life transcend a predictable step by step or linear pathway requiring that delinquent or criminal youngsters are admitted to correctional institutions, worked upon and delivered as reformed and corrected into society. Whereas such informality and entanglements are usually exhibited off stage and rarely meet the official and public eye, they nevertheless contribute vitally to keeping up an image. Like a factory, correctional centres must keep the illusion alive that they manufacture, corrected inmates, thereby guaranteeing state safety and security. The everyday dynamics between pretensions and actualities as well between the banal and the institutional yield complex subtleties worth the attention of prison studies in other contexts. Such practical detention intricacies call for analytic reflection by criminal justice and related professionals as well as policy makers who premise correction, reintegration and reformation policies on a linear path.

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25. Arce, A., & Long, N. (Eds.). (2007). *Forging a New Anthropology of Development: Common ground and Contentious Issues* Paris: Karthala.

# Governance through power sharing in Ghanaian prisons:

## a symbiotic relationship between officers and inmates

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**There are many insightful studies of the sociology of prison life. They have focused on a variety of issues such as staff-inmate relations, friendships among prisoners, prisoner sub-cultures, and experiences of imprisonment. Despite this burgeoning corpus of work on prisons elsewhere, there is a dearth of scientific knowledge about prisons and prison guards in Africa, where prisons are often a colonial legacy. These sites remain understudied and poorly understood.**

Prisons in Ghana are heavily overcrowded, and according to both officers and inmates, overcrowding is the main source of dangerousness and risk. During the course of the fieldwork on which this article is based, Ghana's prisons (consisting of 43 penal establishments: 1 juvenile correctional centre; 7 female and 35 male prisons) were found to be operating at 72.1 per cent above full capacity. Some prisons were operating far above their certified normal accommodation (CNA). For example, Nsawam male and Kumasi central prisons were more than 300 per cent and 250 per cent respectively above CNA. The reported overcrowding rate has declined, however, to 37.2 per cent following the inauguration of the 2,000-capacity Ankafu maximum-security prisons on 4 March 2012. Staffing levels have not kept pace with prisoner numbers. Although the official staff-inmate ratio is 1:3, the actual ratio is estimated to be 1:9 if the four-shift system operated by the Ghana Prison Service (hereafter, GPS) is taken into consideration. Overcrowding has led to a breakdown in the inmate classification system, rendering it difficult for officers to distinguish between high-risk and low-risk prisoners. Low staffing levels have not only engendered job stress among officers but have also reduced surveillance capacity and created power vacuums. Given that prison officers are key to maintaining order and thus to securing a stable and survivable prison regime, the question arises as to how governance, law and order is maintained under such conditions in Ghanaian prisons.<sup>1,2</sup>

This article examines everyday governance in 23 adult male (1 medium security; 6 central; 8 local and 8

open-camp) prisons in Ghana. These establishments are typical of British colonial prisons, in that high walls and barbed wire characterize them — unless they are open camp prisons, which are without walls and mostly feature extensive agriculture in rural farming communities. The article seeks to understand prison governance by focusing on everyday social functioning. It elucidates the characteristics of the prison that give rise to inmate leadership, the role of prisoner leadership in maintaining law and order, the characteristics of prisoner leaders, and how mutual co-existence is fostered among prisoners and officers due to their mutual interests.

The article is based on data collected via ethnography, which generated understandings of social structure and local cultures. The fieldwork mainly involved participant observation of prisoners and officers, informal discussions with prisoners, and formal interviews with officers. The study spanned six months of research in selected prisons located in all ten administrative regions between October 2011 and March 2012. It is part of my doctoral study of Ghanaian prison officers, their work, stress and wellbeing.

### **The prisoner leadership structure, responsibilities and characteristics**

To redress the power vacuum created by low staffing levels, and for prison officers to cope with the stress created by fear, pressure of work, frustration and physical exhaustion, the officers resort to prisoners' leadership. This is an equivalent of the abolished building tenders (BT) system in the USA, where trustees were given responsibilities such as keeping records and turning keys in order to ensure the running of the prisons.<sup>3</sup> In some cases BTs were granted authority to 'break up inmate fights, give orders to other inmates [and] perform headcounts'. The prisoner leadership in Ghana is entrusted with similar and additional functions. It is a product of the colonial system where 'good conduct' prisoners were given positions of trust to assist in prison administration. All male prisons have

1. Liebling, A. (2000) 'Prison Officers, Policing and the Use of Discretion'. *Theoretical Criminology*, 4, 333–357.

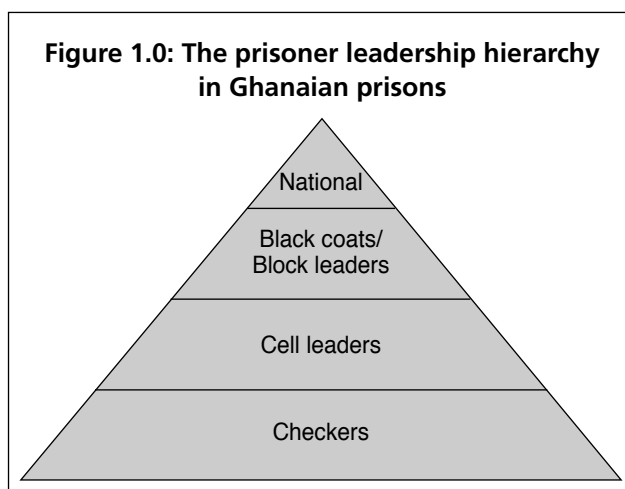
2. Sparks, R., Bottoms, A., and Hay, W. (1996) *Prisons and the problem of order*. Oxford: Clarendon Press.

3. Crouch, B. and Marquart, J. (1989) *An Appeal to Justice: Litigated Reform of Texas Prisons*. Austin: University of Texas Press.

an elaborate prisoner leadership system, a hierarchy with roles and responsibilities that augment the work of mainstream prison officers (See figure 1.0 below).

The commitment to involve prisoners in the prison regime has legal backing from the Standing Orders (1960) of the GPS, which permit privileged prisoners to supervise the work of other prisoners but not to enforce discipline. The regulation requires officers not to treat such leaders as additional prison officers.<sup>4</sup> However, it appears that the Standing Order has emboldened prison administrators, and prison officers in general, to augment staff roles in maintaining law, order and discipline beyond what is permitted by law. The prisoner hierarchy has become intrinsic to the culture of male prisons.

At the bottom of the prisoner hierarchy is the 'checker'. The checker's main responsibility is to assist prison officers with the head-count in the various cells or dormitories, which are often dark and poorly-ventilated and accommodate between ten-sixty prisoners depending on their size. Above the checker in every cell or dormitory is the 'cell leader'. Some cell leaders are also checkers but that is not a prerequisite for being elected cell leader. The cell leader is the custodian of the cell or dormitory and ensures that all the cell rules are obeyed. A typical rule is that in prisons where there are toilets in the dormitories, the toilets are only to be used during nightly lock-ups.



When new prisoners are assigned to their cells, the cell leaders explain the inmate codes of behaviour to them and assign sleeping quarters. They have responsibility for monitoring all activities in the cell. They ensure that the cells are tidy, especially when inspections are due to take place. Cell leaders ensure that disputes and conflicts are settled. If a cell leader fails to settle a dispute, then the higher-ranking inmate leaders, called the 'black-coats' or 'block leaders', are

invited to intervene. This group of leaders is easily distinguishable from all the other prisoners, as they wear uniform blue shorts and shirts with their position: 'Black-coats' [or 'Star Class' or 'Special Class' — their official designated titles] emblazoned on their breast pockets. The Standing Orders recognize this category of privileged prisoners and set out criteria for their selection, privileges, duties and responsibilities. Black-coats have general responsibilities for the welfare of their blocks or communities and for ensuring that instructions from prison officers are implemented or obeyed. For instance, when the bell rings for headcounts, black-coats ensure that prisoners stop whatever activity they are engaged on and hurry into their cells to be counted. Prisoners deemed recalcitrant and uncooperative are likely to face the wrath of the black-coats and risk being pushed, heckled and caned. This means that potential assaults on prison officers in such circumstances are minimized. This is noteworthy since in the US for example, a significant proportion of prisoner-on-staff assaults were found to occur during such routines.<sup>5</sup> Black-coats are given responsibility for the supervision of communal activities such as cleaning or transporting firewood from various locations to the prison kitchen. They are further allowed to accompany outside working parties once or twice a week.

During visits, black-coats are usually tasked with the onerous task of locating prisoners who have visitors in these overcrowded prisons. Black-coats walk or run around the prison, shouting the names of prisoners required for family or legal visits. They are the first point of call for officers when information is to be disseminated to all prisoners. The black-coats then transmit the information at meetings with all the cell leaders, who in turn educate their peers or cellmates on new policies for (or information about) filing complaints, health, food, visits, and so on. Black-coats also distribute food to other prisoners on the blocks and landings. The architecture of the prison may determine the titles of block leaders. For instance, at Sekondi central prison, which resembles a British prison in having landings and wings, leaders bear the titles of 'landing' or 'wing' commanders to depict their area of jurisdiction.

At the apex of the prisoner hierarchy is the 'national leader' for the whole of Ghana. Possessing substantial influence and presence, he is based at Nsawam prison. He is usually assigned duties beyond the blocks and ensures that the prison is peaceful by liaising with officers and supervising other leaders. He is well respected by prisoners for his role as arbiter and custodian of the inmates' unwritten code of behaviour. With the exception of the national leader, inmate

4. Ghana Prisons Service (1960) *Prisons Standing Orders*. Accra.

5. Light, S. (1991) Assaults on Prison Officers: Interactional themes. *Justice Quarterly*. 8, 243–261.

leaders are visible in all the male prison establishments and assist with the work of prison officers. Inmate leaders are important for the maintenance of security, good order and discipline within the prisons, and the officers more often than not collaborate with them for this purpose. These prisoner leaders embody considerable power in the eyes of other prisoners as they can influence their lives to a great extent. For example, an ex-prisoner recounts the role of a cell leader when he became ill during the nightly lock-up:

*As soon as our cell doors were opened at around 5.30 a.m., Yaw, the cell leader, went out to report my condition to the prison authorities. Soon, a medical assistant came to see me in the cell.<sup>6</sup>*

According to the officers, prisoners' leaders are selected and appointed after close observation, to ensure that candidates are of good character and behaviour and that they are capable of controlling their fellow-prisoners:

*Before we appoint you as a leader, we look at your sentence to see if you have served for a number of years, if you have exhibited good conduct to the prison authorities and your fellow inmates, and if you have shown remorse for your crime. Let's say you have changed during your incarceration. When you exhibit these things, we then appoint you as a leader. (Male Superintendent)*

These criteria are a summary of the requirements for appointing prisoners into 'star' and 'special' classes, as enshrined in sections 459 and 460 of the GPS Standing Orders (1960). The major difference between the two classes is that, while the 'special' class prisoner should have served at least a year of his sentence, the 'star' class prisoner should have served a minimum of 4 years without a record of prison infraction. In reality, however, prisoner leaders assist officers by

recommending other prisoners who they feel are capable of assisting them: favouritism and cronyism then come to the fore to help maintain privileges among a select few.

There are also the 'office boys' and 'kitchen boys' who are appointed to assist officers in the prison administration units and kitchens. Officers report that kitchen boys are made to undergo a medical examination before appointment. Office boys are engaged in cleaning the administrative areas and are often called upon to retrieve other prisoners or summon prison officers who might be required for other administrative business. They shuttle files and folders between offices. Leaders are rewarded with

increased food rations, extra soap, additional bedding, and they also have better sleeping quarters and beds in the overcrowded dormitories, where most prisoners sleep on the floor. Other privileges include unrestricted movement within the prison confines and access to the outside world with working parties. Thus, the competition for the limited rewards and privileges associated with being appointed a prisoner leader as part of the 'institutional game' necessitates good behaviour and hence compliance by other prisoners with the institution's rules and regulations.<sup>7</sup>

The leadership system on display in Ghana, contrasts with that in South America (e.g. Brazil) where gang affiliation is a defining feature of prisoner leadership. Exploitation of prisoners through serious violence and taxation is common, with such activities extending beyond the prison, with leaders openly antagonistic to prison authorities.<sup>8</sup>

In an adult male prison in England, Crewe<sup>9</sup> observed that some trustees (e.g. wing cleaners) engage in illicit trades (e.g. tobacco and drugs) by exploiting the opportunities and autonomy linked to their positions. Some prisoner leaders in Ghana do the same, although informants in the study were not forthcoming with such information or denied it altogether. But one afternoon during the research period, a stash of

According to the officers, prisoners' leaders are selected and appointed after close observation, to ensure that candidates are of good character and behaviour and that they are capable of controlling their fellow-prisoners.

6. Tsikata, T. (2013, June 22) 'Five years on — His mercies never fail'. *Daily Graphic*. Accra. Retrieved from <http://opinion.myjoyonline.com/pages/feature/201306/108316.php>

7. Stojkovic, S. (1986) Social bases of power and control mechanisms among correctional administrators in a prison organization. *Journal of Criminal Justice*. 14, 157–166.

8. King, R. and Valensia, B. (Forthcoming). Power, control and symbiosis in Brazilian prisons. *Mid-Atlantic Quarterly*.

9. Crewe, B. (2009) *The prisoner society: Power, adaptation, and social life in an English prison*. Oxford: OUP.

marijuana was found on a black-coat during a contraband search. Officers called in the police and handed him over. Other dimensions of exploitation are more apparent. Black-coats particularly employ excessive force in certain situations by, for instance, striking other prisoners with their batons in order to achieve compliance with their instructions or by exploiting vulnerable prisoners and humiliating new arrivals. In one central prison, I observed a black-coat with a baton in his hand shepherd a prisoner whose right hand was tied with a plastic seal to his right foot all the way to the segregation block (Fieldnotes, 16th May 2011). I was surprised by this gross abuse of power. This changed my outlook on prisoner leadership as I witnessed the incorporation of violence and abuse of power into their *modus operandi*. I surmised that despite their clean prison infraction records, their positions facilitate the perpetration of other illegalities that make it possible to outwit short-staffed prison officers. Closed higher-security prisons (i.e. medium security and central) are most at risk of such abuses. Other forms of exploitation reportedly involve sexual activities in similar closed local prisons but not in open-camp prisons.

It appears that the security category of the prison, the characteristics of the prisoners in custody, and the criminal history of the inmate leadership are important determinants of leadership style in Ghana. The high-security prisons house all categories of prisoners (low, medium and high risk, as well as remands and convicts) while open-camp prisons house only low-risk convicted prisoners who have served at least a fifth of their sentence in closed prisons. High-risk prisoners like armed robbers, murderers and sexual offenders are barred from serving in open-camp conditions as a policy of the GPS. My fieldwork suggests that high-risk prisoners, mostly with a violent criminal background, emerge as prisoner leaders in the high-security estate and typically adopt an authoritarian leadership style as a result of the difficulties they encounter in dealing with prisoners like themselves. By contrast, low-risk prisoners emerge as leaders in open-camp prisons and often adopt quasi-democratic styles of leadership. One distinguishing feature is that, while black-coats in closed prisons often wear their uniforms and hold their canes or batons as symbols of office, their open-camp counterparts only

wear uniforms but do not carry batons. Prisoner leaders are seen to resemble the prisoner population but with slight differences. Leaders in high-security prisons are found to be mostly violent and repeat offenders, more experienced, and with more years left to serve compared with the general prison population. A typical black-coat is Abbey, in the Nsawam medium-security prison. He is serving a long sentence of 120 years for a series of armed robberies. At the time of the study, he had served eight years of this sentence, and obviously had charisma and a reputation that made him capable of controlling other prisoners.

Leaders are also at risk and consider themselves vulnerable to transfer. This is because they are, after all, still prisoners subject to prison rules. Since they are not guaranteed leadership positions and will forfeit the privileges associated with their rank in the new prison, resistance to transfer can be high. Indeed, one black-coat climbed a telecommunications mast at Kumasi Central Prison to avoid being transferred.<sup>10</sup>

It is important to note that the inmate leaders occasionally prove better than prison officers at handling inmates' welfare problems.

#### Impact of prisoner leadership on mainstream inmates

The prisoner leadership's involvement in the prison regime also benefits other prisoners who are able to procure goods from outside the prison. One notable

observation was the daily purchase of cooked food. Owing to the poor quality and limited quantity of prison food, prisoners either cook their own food with supplies from visitors or give money to prisoner leaders with access to the outside world, who can then purchase those items on their behalf.

It is important to note that the inmate leaders occasionally prove better than prison officers at handling inmates' welfare problems. Although they themselves may not be in a position to solve the problem, they offer sound advice and direct prisoners to appropriate quarters while recommending an approach that guarantees success. They also provide counselling and emotional support to inmates in distress. In that, too, they can be more successful than prison staff, as this fieldnote excerpt shows:

*A senior prison officer enters the main courtyard of the prison and returns with two prisoners into his office. One was distraught*

10. Daily Guide (2011) Inmate climbs internet mast to protest against transfer. Available at: <http://www.ghanatoghana.com/inmate-climbs-internet-mast-protest-transfer/>

and angry, bare-chested with badly crafted tattoos of Jesus Christ and other inscriptions on his back and arms. The tattoos were obviously designed with poor tools inside prison. He has been wrongly accused of smuggling a cell phone into the cell and got himself in a scuffle in defence of his innocence. Investigation of the mobile phone incident was still ongoing and the senior officer agrees that he is not even a suspect. Crying, the prisoner told the officer that he was fed up with life in his cell and the prison and thought he would be better off in another prison. Being sympathetic and unable to convince the prisoner to change his mind, the officer agrees to lobby for his name to be included in the next transfer list. A black-coat listening into the conversation then intervenes. He told the prisoner that; 'You know your mum is old and fragile. I know her very well. In spite of that, the little that she acquires or has, she comes to this prison and shares it with you. If you pursue this transfer and you are transferred to a prison in the Northern Region, do you expect this old woman to endure all of these harsh road conditions to bring you foodstuff? I will personally take care of this situation and you will be fine'. Trust me. [Translated from the Twi language] The prisoner sobs further and louder and after some reflection, repudiates his previous request to be put on transfer. [Fieldnotes, 26th December, 2011]

In other areas, the leaders also serve as the prisoners' mouthpiece. When confronted with issues such as water shortages, inedible prison food, a recalcitrant prisoner who keeps defying the inmate codes, after consultation with other prisoners they formally petition the prison administration either in writing or orally. This approach carries weight and the prison administration takes these matters seriously. In spite of the benefits that accrue to prisoners, some behaviours that prisoners indulge in (e.g. smoking marijuana or cigarettes) to alleviate the pains of imprisonment are reported (contrary to the 'do not snitch' inmate code) to the prison authorities by leaders

. . . being a prison leader has its own dilemmas and tensions, involving defending the inmate code and ensuring that it is obeyed, as well as defying it by reporting other prisoners to the authorities.

who have become more or less the eyes and ears of the prison authorities. Sometimes, they take the law into their own hands and punish prisoners. Thus, being a prison leader has its own dilemmas and tensions, involving defending the inmate code and ensuring that it is obeyed, as well as defying it by reporting other prisoners to the authorities.

### Officer views and perspectives on prisoner leadership

Officers in Ghana recognize that there are inherent benefits in involving prisoners in the day-to-day governance of prisons. It facilitates communication, secures better understanding of prisoners' welfare issues, and assists in the implementation of new policy directions and strategies from administration or headquarters. As an Assistant Superintendent put it:

*When we have directives from headquarters or take decisions at staff meetings that need to be communicated to the prisoners, we only have a meeting with the prisoner leadership especially the black-coats. They then communicate this to the block leaders, and so down to the cell leaders. In no*

*time, every prisoner is aware of the new directive and understands it.*

Another prison officer recognized that involvement in the regime makes prisoners feel an integral part of it, although underneath his assertion may be a wish to maintain control through the prisoners:

*The prison is more or less a school or institution and every institution should have leaders, both inmates and officers. Prisoner leaders help officers to manage the prison. At times when you assign roles to prisoners, they also feel happy that they are part of us [regime]. When the prisoner leaders speak in certain jargons, prisoners understand them better than the officers. It is like peer teaching in education. So, we assign them roles to play for us because they [the leaders] live in the cells with them day and night and understand themselves better. (Superintendent)*

Assuming a leadership position and being treated as supplementary staff provides the leaders with a range of material benefits and bolsters their self-confidence, self-esteem and feelings of autonomy as they make their own decisions and take responsibility for their actions. These benefits will further put them in a better position for release, when compared to ordinary prisoners who do not take decisions themselves but rely on instructions.

Prison officers appreciate the important support roles played by the prisoner leadership in augmenting staff numbers in their work. As an Assistant Chief Officer explains:

*The work is very tedious. In my block, we have over 500 prisoners. You can imagine these prisoners and me alone. ... So, as for the work, we rely mostly on the prisoner leaders because without them we cannot do it on our own.*

### Conclusion

This study has examined power-sharing between prison officers and inmates in the governance of prisons in Ghana. Because of inmate overcrowding and officer shortages, leading to a sense of powerlessness among officers, the prison administrators have resorted to prisoner leadership to fill the power vacuum. What emerges from this field-based study in male prisons is that the inmate leaders are trusted, and both officers

and inmates appreciate the governance role of the inmate hierarchy. Inmate leaders supplement the work of prison officers in the administration (control, supervision and running) of the prisons on a daily basis. Inmate leaders in closed prisons are found to be more authoritarian and to make more use of violence than those in open prison camps. Sometimes, the inmate leadership is better at relating to prisoners' welfare problems than officers, and occasionally surpasses officers' efforts at alleviating inmate distress. Prison governance is therefore enmeshed in a mutually beneficial power-sharing relationship between officers and prisoner leaders, in circumstances of overcrowding and severe resource constraints. There are, however, costs and vulnerabilities associated with this leadership mechanism involving the use of violence and exploitation of other prisoners, each of which constitutes a violation of prison rules. These findings have implications for the understanding of African prisons and penal practice. The findings demonstrate the importance of understanding the local and cultural dynamics of prisons, using ethnographic techniques. They also indicate a need to revise the typical, Western-inspired African prison reform initiatives, which often assume a top-down command structure that ignores local penal conditions, institutions and their in-house expertise. Such penal reform initiatives will only remain imaginary if not tailored to meet local conditions.<sup>11</sup> The findings further highlight the risks associated with running prisons with low staffing levels — a method that is increasingly gaining a foothold elsewhere, including in England.

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11. Jefferson, A. (2008) 'Imaginary reform: changing the postcolonial prison'. In *Imaginary Penalties* Pat Carlen (ed.). Cullompton: Willan.



# Prison Officers in Sierra Leone: paradoxical puzzles

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## Introduction<sup>1</sup>

*'There are precious few resources for internationally comparative data on prison staff'<sup>2</sup>*

**Prison officers in sub-Saharan Africa are often stereotyped and stigmatized. Rarely are they taken seriously either as professionals or as objects of study. Disinterest and indifference is the norm. This article represents an attempt to contextualise the Sierra Leonean prison officer by considering some of the factors affecting him/her in his/her job. It draws on the knowledge and experience of Prisons Watch, Sierra Leone (PWSL) a local human rights organization, and on long-term fieldwork conducted since 2006 by the first author. In addition it reports on and discusses a survey conducted in August 2011 about the general conditions of service and circumstances of prison officers. The survey was designed and conducted by PWSL in collaboration with DIGNITY — Danish Institute Against Torture. The guiding assumption behind the survey was that prison officers — though often neglected — are central actors in any attempts to transform prisons. The article aims to inform the wider public about the conditions under which prison officers operate and function and to supplement the sparse but growing scientific literature on prison staff.<sup>3</sup>**

Sierra Leone presents us with a post-colonial, post-war context characterised by transition/inertia, material and policy deficits, a backdrop of weak state structures and a history of hefty meddling by the executive in the work of the judiciary (e.g. the use of imprisonment for political gain). There is little analytic literature on prisons in such contexts. We hope that our presentation of prison officers' conditions and circumstances in Sierra Leone might contribute to ongoing debates about

working conditions, staff attitudes and occupational cultures and subcultures in prisons elsewhere.

## Background

Sierra Leone is located on the west coast of Africa. It has an estimated population of six million people. There are seventeen active prisons incarcerating around 2500 people.<sup>4</sup> Of these less than a third are convicted and the vast majority are male. The largest prison is in the capital Freetown. When built its capacity was 324. Today it typically houses more than a thousand prisoners. The prisons are centrally administered by the Sierra Leone Prisons Service through a national headquarters under the Ministry of Internal Affairs. There are also four regional headquarters. The main functions of the prison are, in the official terminology, the safe custody of prison inmates, the welfare of inmates, and their reformation and rehabilitation. There are currently 1166 members of prison staff, 896 male and 270 female. Prisoners are accused of crimes ranging from treason through homicide to larceny and loitering. Living in conditions of intimate proximity with others is a key characteristic of confinement in Sierra Leonean prisons. In Sierra Leone prison staff are primarily carers, controllers, overseers and co-ordinators. Whilst there is an official discourse about rehabilitation it is not matched by facilities or resources that would make such a project even remotely feasible.

The survey we report on below was inspired by a presentation made by Alison Liebling (Director of the Institute of Criminology's Prisons Research Centre at the University of Cambridge) whom PWSL staff had met at a workshop held in Copenhagen 26th — 30th September 2011 attended by PWSL and DIGNITY's other international partners. Ultimately, however, the desire to focus on staff and to assess their attitudes and perceptions about their circumstances was rooted in

1. We would like to thank the prison officers who participated in the study and the prison management for granting us permission. We are likewise grateful to team members Berthan Lamin Bangura, Chief Detention Monitor and Eleanor Gloria Mercy Kanul, Psychosocial Coordinator, and to Connie Macdonald Arnskov and Christel Nellesmann for help with the analysis. Extra special thanks to Nadisatu Nyajei Feika.
2. King, R. (2007) 'Prison staff: an international perspective' in J. Bennett, B. Crewe and A. Wahidin (eds.) *Understanding Prison Staff*. Cullompton: Willan Publishing.
3. The article targets uniformed staff given that the Sierra Leonean Prison Service is a para-military service without teachers, social workers or chaplains/imams.
4. ICPS, International Centre for Prison Studies, <http://www.prisonstudies.org>, 16.09.2013.

PWSL's long-standing belief that prison officers are central to any reform endeavour. From this perspective the prison cannot be better than its officers, and understandings of prison staff are vital foundations for the development of meaningful intervention strategies. The survey aimed to explore questions related to the background of the officers and how they see their situation. Based on many years' experience of monitoring prisons, providing psycho-social support to inmates and lobbying the authorities, PWSL were also aware of how much sense it makes in Sierra Leone to conceive of the prison officer him/herself as confined. The survey, in the form of a structured questionnaire, was designed by PWSL and reflected experience gained through the implementation of a previous survey on the socioeconomic impact of pretrial detention.<sup>5</sup> Staff of PWSL implemented the survey in August 2011 during a month-long, nation-wide, consultative inspection tour of prisons. Based on the assumption that many prison officers are not particularly literate the questionnaire was administered by PWSL staff. Questions were read out to officers and answers were written down. The survey targeted officers who had served 10 years or more though on occasions when no-one who matched this criteria was available others were included.

#### **On general conditions of work**

Generally and formally speaking conditions of work for the prison officer revolve around custodial duties (counting, inspecting, securing prisoners) and 'housekeeping' (maintaining prisoners and prison order). Prison officers, in Sierra Leone as elsewhere, are thus to varying degrees managing tensions between control and care. They work in risky, anxiety-provoking places. The work is characterised by insecurity, the possibility of force or violence as well as an unusual level of domesticity as compared to other professions such as police and army that also include a mandate to use force when necessary. Prison staff engage with prisoners in intimate and mundane everyday practices, often in the long term, which entails familiarity,

The work is characterised by insecurity, the possibility of force or violence as well as an unusual level of domesticity as compared to other professions such as police and army that also include a mandate to use force when necessary.

accommodation and cooperation as key elements of the job. One officer described the anxieties associated with lengthy, ongoing relationships with prisoners. For example, prisoners get to know staff and their families, their locations and can easily come into contact with them. There is also the risk of the displacement of aggression whereby guards become targets of aggression that is really meant for someone else. Relationships within Sierra Leonean prisons are more intimate, entangled and proximal than one typically imagines relations within prison to be. Prisoners and guards can be characterised as occupying shared social worlds both inside and sometimes outside the prison. It

follows from the conceptualisation of the prison as an essentially tense or hostile environment that staff can also suffer its brutal and dehumanising effects. Under headings such as 'the other prisoner', researchers have theorised staff as co-confined and co-victims of the prison experience. This is also the case in Sierra Leone. Sometimes officers jokingly refer to their 'sentences' as longer than those of most prisoners and they do often have lengthy careers with little by way of promotion or anything to look forward to.

In the Freetown Central Prison at any one time during the day shift around 100 officers are reportedly on duty, but they are largely invisible, either hidden among prisoners or occupied inside one of the various

workshops or offices, or perhaps taking a nap in one of the cells, even while on duty.<sup>6</sup> (Others are assigned to Judges of the High Court of Sierra Leone or the homes of other senior prison officers as orderlies. Every senior prison officer has orderlies attached to him. These orderlies enjoy special privileges and their promotion is assured. They accompany the senior officer both at work and home and often on other business too. Becoming an orderly is one of the most sought after positions.)

During visits to prisons one is often faced with the problem of discerning who is who. Around the gate area, witnessing prisoners being prepared for court, it is usually relatively obvious. Prisoners are cuffed together and officers wear uniforms. But in the inner reaches of

5. Carried out by Timap for Justice and Prison Watch Sierra Leone in collaboration with UNDP and Open Society Foundation. See report published 2013. <http://www.opensocietyfoundations.org/publications/socioeconomic-impact-pretrial-detention-sierra-leone>  
6. See Kaufman, K. (1988: 189) *Prison Officers and Their World*. Harvard University Press, on practices of officer concealment.

the prison the distinction sometimes seems to become almost meaningless. Not only are prisoners and guards indistinguishable from one another in terms of their appearance; they are at times also indistinguishable from one another in terms of function: prisoners are delegated to carry keys to the cell blocks and the internal gates, and they open the cells of their fellow inmates in the mornings and lock them in the evenings. In a blatant merging of identities, the house-master (prison officer) of the block occupies one of the cells. In this regard we might talk about a fusion of function.

In interviews and conversations officers typically express extensive complaints about their sufferings, about poor salaries, about the lack of materials to conduct vocational training, about inadequate housing, and about the general difficulty of making ends meet.

'We are tired', they say. 'I don't have much time to rest; that's why I look so haggard... And the money they pay us is so small...' Some officers appear to feel ashamed of their job as illustrated by one officer's practice of travelling without uniform even when on official prison business, for example to collect his staff's salaries from the Capital:

*Uniform means I have to be carrying the rank. I prefer not to be travelling in uniform so I am not known as an officer who has been marginalised or deprived of something.*

'The service is killing us,' another officer opined. 'How can I wear uniform and walk in the rain or in the dust of XXXX? (name of town withheld)'. One officer even suggested that 'some prisoners look better off than prison officers. Officers look haggard.' And certainly the officers do not stand out because they look well-fed, well-groomed or healthier than prisoners. In sum, complaints made by guards were often more plaintive than the complaints made by prisoners.

It is widely recognised that the prison officer is no automaton and that the demands of the job — be these relational or related to dilemmas around the appropriate use of power and authority or simply 'getting through the day' involves emotional energy. PWSL staff's regular interactions with prison officers present some examples of the emotional labour that

officers engage in. Some of this relates to frustration, lack of recognition and resulting low morale. PWSL report that on Bonthe Island, the location of one of Sierra Leone's more remote prisons, the police and military contingent stationed on the island, get free transport to and from the island. Prisons officers are not afforded the same privilege, which creates resentment and adds to their sense of inferiority. Likewise the President's tribute to armed forces, police and firefighters (and not prison officers!) during Mayong Day (a military holiday) created bitterness amongst the upper echelons of the prison hierarchy.

### Survey demographics

The survey presented some interesting findings

that throw some light on the backgrounds of staff, including their reasons for joining the prison service and their levels of satisfaction with the job. We present some of the details below. Eighty-two prison officers participated, ten women (12 per cent) and seventy-two men (88 per cent). More than four out of five (81.5 per cent) were married, seventeen percent single and one was divorced. Approximately forty percent were Muslim and sixty percent Christian. A majority were members of one of the three largest ethnic groups in the country (19 per cent Temne, 21 per cent Limba, 27 per cent Mende).<sup>7</sup> Most had an education

equivalent to either junior secondary school (JSS) or senior secondary school (SSS). Approximately six percent stated that they had never attended school or only primary school. Almost thirty-two percent of the respondents had finished JSS, and fifty-five percent had finished SSS. Seven percent had taken another form of education. The average length of service was eighteen years. Most had joined the prison service by formal application. Only approximately six percent (5 officers) had joined via recommendation by either a relative within the prison service (2) or someone outside the service (3). This is somewhat surprising given the prevailing idea that prison work runs in families and the beliefs held by PWSL staff about the role of extended family and intergenerational links in recruitment.

The data suggests a basic ignorance about salaries and entitlements or a reluctance to reveal such

Not only are prisoners and guards indistinguishable from one another in terms of their appearance; they are at times also indistinguishable from one another in terms of function. . .

7. Compared to their proportion of the population, Limba were overrepresented amongst the prison officers. But security is the traditional trade of the Limba and this can explain their overrepresentation. There was also an overrepresentation of Krio, but they are generally very active in the civil service. Kono were underrepresented (Personal communication, Mats Utas).

information. A vast majority of respondents either did not know or failed to state how much they earn per month either because they do not actually know or because they are ashamed what a paltry sum it is given the hardship involved.

Approximately seventy-five of the prison officers who participated in the survey lived in staff quarters. A vast majority of the remaining respondents lived in rented accommodation. Some of them indicated entitlement to a housing allowance. Provision of staff quarters has been a high priority in interventions seeking to better the working conditions of prison officers. But surprisingly this study found a negative relationship between staying in staff quarters and job satisfaction. A larger proportion of respondents who stayed in staff quarters indicated that they were not happy being prison officers compared to those who stayed elsewhere. Forty-three percent of those residing in staff quarters indicated dissatisfaction compared with twenty-eight percent not living in staff quarters. Our hypothesis is that acquiring one's own place of residence (even rented) can be seen as a sign of personal achievement and status whereas for those who do live in quarters it is rather a sign of 'stuckness'<sup>8</sup> and the inescapability of the job.

While the results reported above speak to the basic demographics of the respondents, what follows allows us to access in a little more depth the attitudes and perspectives that officers themselves have about the job. Below, we consider reasons for joining the prison service and levels of satisfaction before turning briefly to the interdependent relations between prison occupants within a highly politicized context.

### Reasons for joining

Respondents were asked to state why they joined the service. When we listed the various responses and grouped them in categories we could see that three main reasons emerged. A third of respondents joined the prison service because they felt passionate for the work (30 per cent). Another third joined because they

had no other job option (34 per cent). Around one sixth (17 per cent) of respondents could be categorised as joining because they wanted 'to serve the nation'.<sup>9</sup> It is striking that over sixty percent of respondents can be situated in almost diametrically opposed categories: thirty percent joining because of love for the job; thirty-four percent because they had no other options. This suggests a sharp divide within the workforce. The remaining respondents reported joining for different family-related reasons such as following in father's footsteps, to protect the family against exploitation, or to generate income for the family.<sup>10</sup>

Sixty-two percent of respondents declared a preference for prison work compared to police, military and the fire force, which are typically grouped together as different extensions of the state security apparatus. Most respondents who expressed a preference for prison work attributed that to their fondness or commitment to the job.<sup>11</sup> There is some unexplained dissonance between this talk of fondness and commitment and passion for the job and the general impression we have from our more qualitative interactions with staff about disillusionment and low morale. We believe there is the strong probability that those who indicated love for the job, identify strongly with the prison administrative regime and that those who do not are positioned as opposed to the regime,

perhaps due to ethnic affiliation or family ties. Patron-client relations strongly characterize recruitment and selection processes. Further, we see evidence that those who identify with the regime are very possessive, to such a degree that comments like 'Na we yon government' meaning 'this is *our* prison regime,' are common.

Our analysis suggests a link between reason for joining the service and whether the respondents would stay in the service if they were given the opportunity to move. Amongst those, who entered the service due to interest, three out of four would remain if given a choice. Approximately four out of five, who joined because they wanted to serve their nation, would also remain. But more than half of the respondents who

When we listed the various responses and grouped them in categories we could see that three main reasons emerged.

8. The theme of stuckness was central at a recent conference on confinement held in Copenhagen organised by Aalborg University's Global Refugee Studies programme and DIGNITY: *The Stuck, the Mobile and the Dislocated: Reflections on Life in Ghettos, Slums, Camps and Prisons*. October 30 - Nov 1, 2013.
9. This latter finding matches data about Nigerian prison officer recruits. The idea of serving the nation is strong amongst the paramilitary services in West Africa. What this means exactly for the conduct of everyday prison officer life is less clear.
10. Individuals who fell outside these categories described their reasons for joining as because of sports (2); because it was a calling (2); because of close proximity of prison to place of residence (1); because of a desire to use trade skills (1); because of practical experience (1).
11. 18 per cent would choose military, mostly because of a belief in better conditions and facilities, and for a minority a belief in higher status. 15 per cent would choose police, mostly because of a belief in better conditions and facilities. None of the respondents would choose the fireforce.

joined because they had no other option would leave if given the opportunity.<sup>12</sup>

More than half of the respondents (56 per cent) wished to pursue further studies or career development in a wide range of areas such as tailoring, auto electrics, construction, accounting, computer science, business, law and psychology. There are few opportunities to fulfill such aspirations.

### Happiness / job satisfaction

Surprisingly, more than sixty percent of respondents reported that they were happy being prison officers, while approximately forty percent reported that they were not. By posing questions about reasons for joining and current happiness PWSL were interested in understanding motivation and passion for the job. They wanted to know whether this was a job staff had chosen gladly or whether they were constrained to do it as the only available option. PWSL believed that there would likely be a link between the capacity to make decisions about one's own life situation, individual motivation and job satisfaction. They were interested in whether prison officers were *living* their working lives or simply *existing*. Our view today is that prison officers exist rather than live. They exist according to the dictates of their circumstance. They have little control over their working conditions or even their life conditions; their orientation to work can best be characterized as resigned. They are obliged to simply accept their fate. This resonates somewhat with the discourse of Nigerian prison officer recruits who talked repeatedly of the need 'to endure'.<sup>13</sup> From an outside point of view conditions of service do appear deplorable. Nevertheless, some staff are more comfortable than others. Officers attached to the prison headquarters or the Freetown central prison, for example, seem more motivated compared to those in the rural areas. Those stationed at headquarters

receive more positive attention from the prison administration and enjoy more benefits. They are the first to be considered for promotion and can be identified by the neatness of their uniforms.

Prison officers with higher levels of education tended to be less satisfied than those with lower levels of education. Two thirds of those with junior secondary school reported being happy with their work whilst one third reported being unhappy. The group with senior secondary school education was split in half with regards to happiness at work. Fifty percent were satisfied and fifty percent were not satisfied. Reasons for satisfaction varied. For some it was connected with changes in government regime and changes at the top of the prison hierarchy that made them feel as though their 'time had come'. Having one's own 'man' (see below) in a position of authority can make all the difference to one's possibilities and hence satisfaction; for others it was due to them having been transferred from a particularly remote prison to one more conducive.<sup>14</sup>

Relations within the prison are highly ambiguous. Sometimes one hears reference to classic 'us versus them' relations. But often and more striking are the accounts of positive, or at least accommodating, attitudes.

### Relations of interdependency

Before concluding we would like to briefly address the theme of relationships within the prison. Relations within the prison are highly ambiguous. Sometimes one hears reference to classic 'us versus them' relations. But often and more striking are the accounts of positive, or at least accommodating, attitudes. One experienced officer referred to

himself in relation to prisoners as 'mentor, torchlight, forebearer' and talked about his role:

*to see cases speedily sat on, to take sentenced prisoners as your children, to see they are well-fed, listen to their complaints, see that other officers do not encroach on their human rights...*

He explained,

- 
12. We might ask ourselves why the latter figure is not even higher. Perhaps the answer lies in simple resignation? Conditions and circumstances are such that imagination is stifled. The exercise of thinking about 'what if things were different' is seen as a waste of time and energy.
13. Jefferson, A.M. (2004) Confronted by Practice: towards a critical psychology of prison practices in Nigeria. Unpublished Phd Thesis. University of Copenhagen.
14. The island prison at Bonthe for example is seen by many officers as a punishment posting though one officer reported pleasure at being posted there because it brought him closer to his kinsfolk. Motivations can vary.

*they are in the majority. You have to listen to them. Have to like them, to love them. Then they will like you.*

He told how on the numerous times rebels had held him hostage during the civil war that former prisoners pleaded for him. On four of six (!) occasions former prisoners arranged his escape. When asked about the particular threat to prison officers he said, 'If you have been wicked, unkind, callous you could be killed. They would assess you.'

The volatile nature of Sierra Leonean politics is one reason why 'accommodation' and the maintenance of patronage networks even between prisoners and guards are important. Within a political climate where power changes hands unpredictably it is wise to treat at least significant prisoners with discretion.

The prison service itself like other (post-colonial) state institutions is also rather politicised. Networks of grace and favour permeate the work place both in individual institutions and nationally. Below we consider some of the local terms that are used to describe these dynamics in order to give a flavour of the governing logics that permeate the prisons. Authority, power and favour are distributed more often than not according to lines related to kinship, region or ethnicity than according to official policy.<sup>15</sup> 'Mymanism' (referring to 'my man') is one way of referring to this. Another vernacular reference in relation to the distribution of authority is talk of the 'P and G factor' referring to the smoothing of palms with palm oil and goat. The acronym GYM (Get Your Man) is also in common usage with reference to transfers and postings with particular managers keen to have their own people close by. We observed numerous incidences of Officers in Charge and their Second in Commands having common career trajectories. Supplementing 'Getting Your Man' is the notion of 'the Pa's eye' meaning that those who belong to 'the man' also owe 'the man' and one way of repaying the debt is by being the eyes and ears of 'the man' out, for example, in the provinces. In addition, those not in the 'good books' of the 'sitting Pa' are often sent far away to rural postings where opportunities are even fewer than in the provincial capitals. Under such conditions there is little solidarity to be found. Solidarity can exist temporarily in relation to

illegal transactions but it is typically rather unstable. For example, during illegal transactions the prisoner must always acquiesce to the officer's demands. Even if the inmate feels cheated he must behave in a way not to arouse the slightest suspicion because he is dependent on the officer for future transactions. It is also the guard who decides who visits or does not or decides whether to take disciplinary action or not. In a radically discretionary environment the officer is always in the ascendancy and our sense is that the slightest opportunities to exploit are taken.

### **Conclusion: paradoxical puzzles**

In conclusion, the survey results combined with our collective experience of interacting with prison staff in researcher and activist capacities leaves us with a rather depressing impression. Undoubtedly there are committed prison officers within the Sierra Leonean Prison Service; we meet them regularly. But statements about love for the job ring hollow in the general light of our findings and experience. In fact, it might be more accurate to speak of shadows than light. For us, the life of the Sierra Leonean prison officer remains a paradoxical puzzle. We observe passion and commitment alongside pessimism and demoralisation. Surprisingly, in the face of deprivation and disparity some officers are able to muster the courage to say, 'I am happy'. But this, in itself, is perhaps a damning indictment of their own circumstances, their stuckness, and the singular lack of available options. Conditions, circumstances and politics are such that without hefty investment in the sector<sup>16</sup> then resignation and demoralisation are likely to continue to cast their shadow over the shards of optimistic light that do occasionally break through, for example the enthusiasm of new recruits and the willingness of the Authorities to open their doors to outside agencies like PWSL. Our hope is that such enthusiasm might be nurtured, that individual merit might become a criteria for promotion and that the Prison Service in Sierra Leone will continue to be open to outside scrutiny and collaboration. Perhaps such small steps might move the service in a direction that will result in renewed prison climates where the shared spaces occupied by inmates and staff might at the very least become more humane.

15. For more details on these dynamics of patronage (and on the entangled relations between PWSL and the Prison Authorities) see Jefferson (2013) 'The situated production of legitimacy' in Tankebe and Liebling's *Legitimacy and Criminal Justice. An international exploration*. OUP.

16. Here we mean the justice sector broadly speaking including a rethinking of the purpose of incarceration and consideration of the possibilities of diversion and decarceration as a means of reducing the impact of inhumane conditions.

# The importation of human rights by Ugandan prison staff

*Dr Tomas Max Martin is based at the Danish Institute for Human Rights.*

## Introduction

**This article tells a story about the localisation of human rights. The main point is that a powerful set of norms like human rights do take effect in a bureaucracy like Ugandan prisons, but not only as intended. This argument is based on ethnographic research in men's prisons in Central and Eastern Uganda, where I studied the translation of human rights reform into prison practice.<sup>1</sup>**

Roughly speaking there are two dominant and conflicting views on how the localisation of human rights plays out in a place like this.

Firstly, there is a pessimistic view: Human rights are an externally driven, Western dominated agenda, which can only be opportunistically adopted. Such adoption is likely to privilege the elites. Thus, grand transformative aims of global norms like human rights are thwarted and rendered ineffective in practice — or their effect is a consolidation of a hegemonic neoliberal project.

Then there is a more optimistic view: Human rights are universally valid and meaningful. Delays and resistance are unsurprising empirical facts, but such opposition signals lack of capacity and sensitization. With carrots and sticks, legal reform, training and resources, human rights will prevail to the benefit for all — everywhere. And such global norms are therefore seen as a means to improve institutions, which convert to their rationale.

Both views have merit, but neither offer the full picture. Despite their apparent opposition, both these views share a perspective on human rights as a powerful export — the latter for good, the former for bad. Instead, I argue that we should rather move from an orientation to exports to an orientation to imports by looking at the able hands reaching out for these powerful norms that we call human rights. How are human rights imported and how are they made meaningful in local contexts? On the face of it, as I will show below, the Uganda Prison Service (UPS) seems to be quite a problematic context for the realisation of human rights.

## Open doors

Over the last ten years, the Ugandan prison population has increased more than 30 per cent — reaching total numbers of about 38,000 prisoners in 2013. The justice system lacks resources and fails to deliver justice, gravely exacerbating the overcrowding and the extensive detention under harsh conditions that prisoners endure. According to international human rights standards, Ugandan prisons are failed and fragile with excessive numbers of unconvicted inmates (55,9 per cent), overcrowding (113 per cent), poor health services, forced labour, run-down facilities, violence, limited access to justice, and inadequate administrative structures.<sup>2</sup>

The initiatives set in motion in Ugandan prisons to address these challenges have entailed considerable institutional reform since the mid-1990s. A significant milestone in this reform process is the Open Door Policy of the year 2000, which explicitly invited potentially critical external actors into the prison world in order to build new alliances and attract funds. The Open Door policy has been implemented in the context of significant financial improvements as the UPS budget has gone from 18 billion UGX in 2002/3 to 44 billion UGX in 2008/9.<sup>3</sup> A key element in this policy has been to integrate human rights in line with international standards and best practices, and UPS formally adopted the vision: 'To be a centre of excellence in providing human rights based correctional service in Africa'.

Alongside a plethora of externally funded projects and booming partnerships with NGOs (e.g. targeting prisoners' education and health), the Open Door Policy has concretely resulted in three major reform initiatives in the last decade: infrastructural improvements (especially water and sanitation), human rights training of prison staff, and legal reform. In 2006 a new prison act was adopted, which offered a modernised legal framework for imprisonment, embedded human rights in penal policy and strengthened the management of UPS by absorbing the local administration prisons. This

1. Data was mainly gleaned from one large urban prison in Kampala and a small local prison in a rural setting in Eastern Uganda — i.e. the types of institutions that the majority of Ugandan prisoners and staff populate. Issues pertaining specifically to other settings like prison farms, women's prisons or prisons in conflict-affected areas are not considered here.

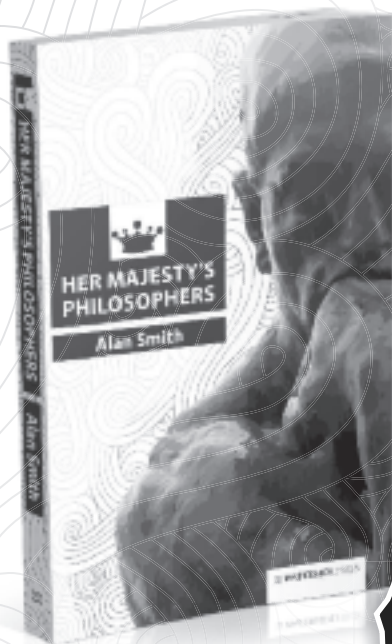
2. ICPS (2008): World Prison Brief: Uganda. International Centre for Prison Studies ; UHRC (2010): Uganda Human Rights Commission: Annual Report 2009. ; HRW (2011): Even dead bodies must work: Health, hard labor and abuse in Ugandan prisons. Human Rights Watch ; Oppenheimer (2005): From arrest to release: The inside story of Uganda's penal system, Indiana International and Comparative Law Review, 16, pp. 117.

3. JLOS (2010): Justice Law and Order Sector Midterm Evaluation. Republic of Uganda.



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centralisation process had been high on the agenda of international donors and civil society organisations, since violations of human rights were reported to be severe in the local prisons.<sup>4</sup> Thus, absorbing local prisons into the central state service was seen to offer increased accountability, mobilisation of resources and the possibility to build capacity among local prison staff. With the adoption of the new act, UPS therefore almost doubled its staff, from about 3,000 to 6,000, and increased the prisoner population by 50 per cent from a little less than 20,000 to almost 30,000 in 2009.

Again, human rights were forefronted as a key tool and value base through which this massive institutional transformation was to be implemented. All local prison staff were put through a three-week human rights course and all prisons were ordered to establish human rights committees among staff and prisoners. Adherence to human rights standards — most notably in relation to food, forced labour and torture — was emphasized as key institutional benchmarks for the integration-process. This prompted the main watchdog, the Uganda Human Rights Commission, to note 'significant' and 'remarkable improvements' in prisoners' rights and to refer to UPS as 'human rights responsive' and 'appreciative' and as making 'commendable steps to curb torture' in its 2009 annual report.<sup>5</sup>

Although UPS's discursive and formal commitment to human rights is high, actual compliance with human rights standards is still low. In its own defense, UPS argues that failure to comply rests primarily with financial constraints. Violations of prisoners' right to health, access to justice, living conditions, separation according to special needs, etc., can all be directly related to lack of resources to pills, to fuel, even to cement. In order to sustain their argument and to attract international donors, UPS management enacts forceful departmental retribution against human rights violations that cannot be explained away due to lack of funds — most notably torture. UPS top managers continuously thunder against torture in the press, and constantly emphasize that UPS staff will be held personally responsible for any charges of torture pressed against the department.<sup>6</sup>

In March 2010, a junior prison officer allegedly beat an inmate in rural Northern Uganda for refusing to do the officer's laundry. The prisoner finally complied, but was rumoured to have defecated on the officer's uniform in return. The officer allegedly beat him to death and tried to conceal the murder by staging the prisoner's suicide by hanging. According to the press, the officer consequently boasted and threatened the other prisoners that no one would come to their rescue 'because human rights bodies

4. UHRC (2009): Uganda Human Rights Commission: Annual Report 2008.

5. UHRC (2010): Uganda Human Rights Commission: Annual Report 2009.

6. New Vision March 9, 2009.



only work in towns and not in villages'.<sup>7</sup> One week later, the officer in question, his immediate superior and the prison's Officer-in-Charge were detained, charged with manslaughter, and faced dismissal with disgrace from the service. One of my informants, also in charge of a rural prison, was squad-mate with the imprisoned Officer-in-Charge. 'It sends shivers down my spine', he told me, referring to his own vulnerability to junior officers' misdeeds as the case exploded in the media and his colleague's career hung on a thread. This turn away from impunity is applauded by donors and NGOs, and duly noted by subordinate prison staff, who more than once complained to me that the Inspector General of Police always defended his police officers against human rights criticism, whereas their own boss, the Inspector General of Prisons, was the first to prosecute them.

### Ethnography and practical norms

As mentioned, Ugandan prisons are under-resourced, and typically fail to adhere to international human rights standards. In spite of these circumstances, Ugandan prisons seem to progressively adjust to the intentions of human rights protagonists as donor-funded justice sector reforms gain traction in Uganda — violations of prisoners' rights decrease, budgets increase, management tightens and material progress is felt across the institutional landscape. But if we want to understand how imported models become parts of local institutional landscapes, we need to see beyond the 'ideal appropriation' (the kind dreamed of in project documents) and explore the 'real appropriation' (the kind actually undertaken by local people).<sup>8</sup>

Ethnography is a viable way to study such processes of real appropriation. This approach offers an explorative interpretation of meanings, human action and institutional practices and how they are implicated in local and wider contexts.<sup>9</sup> In that sense, the research design is not filtered through a hypothesis of how things ought to be.

Ethnography can help us venture outside the dominant discourse about what human rights *are and should be*, but there is an equally strong discourse about what prisons in Africa (and other parts of the global south) *are not*. I therefore suggest that ethnography also

Ethnography can help us venture outside the dominant discourse about what human rights *are and should be*, but there is an equally strong discourse about what prisons in Africa (and other parts of the global south) *are not*.

has something important to offer to prison scholars and reformers. Prisons are typically approached in terms of their lack — lack of order, lack of humaneness, and lack of capacity — very often made plain when compared to established human rights criteria of lawful and best prison practice. Such perspectives on prisons have many virtues, but they also tend to see prison life in the light they themselves cast. There is therefore a need to till empirical soil inside these institutions and seek to understand prisons in their own terms, according to their own logic. We need — even literally speaking — to enter this black box of prison practice if we want to understand what penal change actually involves and how it can be constructively managed.

So how to enter this black box of prison practice? In my case, the entry point was to analyse a case when everything goes wrong, when the institution is under pressure from the most fundamental infraction — an escape.

In an offhand conversation with a prison officer, I asked him if he had ever been charged with a disciplinary offence and punished by his superior officers. He had. After only two months of service, he and a fellow officer had escorted thirteen prisoners outside the prison compound unarmed. One took off and escaped and although he brought back the remaining twelve prisoners, his superior officer had charged him for negligence. 'And I even recovered the prisoner', he told me. 'The following day we went and found him in the village'.

*'Did you beat him?' I asked.*

*'Ha, this was the time before human rights. You know, an escape is the worst for a prison officer. So, of course he was tortured.'*

I then asked him if he had appealed to the management against this charge of negligence

*'Yes, I appealed. Other staff had also had escapes, but they had not been charged, so, I listed them, but they rejected my appeal. You don't implicate others — you die alone!' he emphasized. 'I should have stressed the*

7. Daily Monitor March 9, 2010.

8. Olivier de Sardan (2011): The eight modes of local governance in West Africa. IDS Bulletin 42(2), pp. 22-31.

9. Hammersley and Atkinson (2007): Ethnography: principles in practice, third edition. Abingdon: Routledge.

*deployment, but then it is also your problem to leave the prison gate just two officers with thirteen prisoners, when you are only supposed to go with three prisoners each. But that implicates the gatekeeper, who lets you out; the in-charge, who gives you the gate-pass; the orderly [who deploys you] — all of them. So, you better leave it.'*

Much of what I want to say here is captured in this chance talk about an escape. Physical violence is used and considered useful in UPS, but human rights are presented as having changed that. Formal rules regarding deployments cannot be followed, whereas unofficial practices of recapturing prisoners in their villages are routinely relied upon. Although superiors, in principle, can be held accountable for systemic and structural problems, the onus rests with the frontline staff, the 'street level bureaucrats',<sup>10</sup> who are expected to 'die alone' — that is take the blame. Official channels of redress such as appeals expose superiors' complicity in systematic rule bending, which puts prison officers at further risk. So, they 'leave it' — that is let an unfair system remain unchallenged.

The exploratory concept of practical norms assists me in understanding such violence and rule-bending as something other than mere deviance and ignorance. Instead, this concept directs analytical attention to the agency that prison actors express as they try to manage their work life by drawing on an implicit, yet established and effective repertoire of practical norms and a powerful, but also malleable and unpredictable repertoire of formal rules, that is official norms, in this case human rights.

Practical norms are the set of tacit road rules for bureaucratic practice. This repertoire of norms is informal and local, but empirically discernible. As such, attention to practical norms in fact just re-opens a basic enquiry into the interaction between written and unwritten rules. Yet, the concept of practical norms engages this recurrent question by placing different repertoires of norms on an equal, non-normative and empirical footing. French anthropologist Jean-Pierre Olivier de Sardan has worked with this concept to critically examine reform interventions that set out to improve public service delivery in Africa.<sup>11</sup> Non-compliance with service standards and policy proscriptions is typically seen as a question of bad governance and reforms are then launched to remedy this lack of good governance. A focus on practical norms does not take the translation of reform policy into practice at face value. It rather insists on questioning: What form of governance is in fact produced locally?

This line of enquiry rests on the premise that institutions — like in this case the Ugandan Prison Service

— deal with human rights as one repertoire of official norms that in practice need to resonate with other locally effective and meaningful repertoires of practical norms. Human rights therefore do not have imperative effects of success or failure as formally prescribed. They rather have ambiguous, accumulative and contingent effects and it is in the mix between different repertoires of norms that reform effects manifest themselves in practice — especially in contexts of scarcity and post-colonial pragmatism, where normative pluralism is intense and entrenched. I will give one empirical example of this mix — the translation of notions of 'individual responsibility' into local prison practice.

### Individual responsibility

A great number of routine situations are easily regulated within standard formal rules, but a significant number of situations central to the everyday governance of Ugandan prisons are not. Adherence to official norms does not resonate with local exigencies. Officers are called to act with discretion. In order to illustrate this tension, I will describe an incident, which I observed during my fieldwork in the office of a senior duty officer. The incident concerned the beating of a prisoner leader by a junior officer.

Prisoner leaders are privileged prisoners to whom staff outsource administrative and disciplinary power in order to produce custody in situations of understaffing, overcrowding and crumbling infrastructure. According to the junior officer in question here, the counting of the prisoners in the ward had been delayed and disorganized, because the prisoner leader stubbornly refused to follow orders. They had started to argue and the conflict had ended violently, but beating a prisoner leader is a serious case. The daily administration of the prison depends on the prisoner leaders' ability to control their fellow prisoners and a public beating strongly undermines a prisoner leader's authority. So, the prisoner leader had complained and the duty officer had called them both for a questioning:

*'Did you hit him?' the duty officer asked.*

*'No!' the junior officer answered. 'I just grabbed his stick and that was it. I never touched him. This man is very quarrelsome!'*

*The prisoner leader then offered his explanation. He seemed humble and insistent, but I did not understand the exchange of words. The duty officer asked him to take off his prisoner uniform and we could all see bruises on his back.*

10. Lipsky (1980): *Street-level Bureaucracy: Dilemmas of the Individual in Public Services*, New York: Russell Sage Foundation.

11. Olivier de Sardan (2008): *Researching the practical norms of real governance in Africa*. Africa, Power & Politics (5), London: ODI.

*'There are two marks', the duty officer said. 'So, did you beat him or not?'*

*The junior officer shifted uneasily on the bench where he was sitting: 'My concern is security! This man was quarrelling and disorganizing work. I used minimum force.'*

*'Now who is accusing who?' the duty officer said. 'He was in the wrong, but I wish you had not beaten him. Then it becomes something else. If he is wrong, you bring him to the administration and you charge him before you start getting physical! You should stop this beating! Human rights are here. They are paramount! You beat him on the back and it affects the eyes, the ears and he collapses and you have a murder charge against you! And you have to answer! It is not the government. It is you!! So, you try to reduce that. You consider him as a human being.'*

*'As a human being, yessir', the junior officer replied and got up, but as he left he said: 'It was even his own stick'.*

*'They will not mind whose stick it was!' the duty officer shouted after him.*

A number of points can be drawn from these observations. The junior officer tries to defend himself by reference to the security imperative that supposedly trumps most other rules, but he also stresses that the leader had overstepped his informal mandate. A leader is not supposed to quarrel with staff. However, the junior officer is also cautioned and formal rules and regulations are brought to his attention, most specifically human rights.

The duty officer on the other hand, chooses to solve the case 'at his level', as it is called, and does not charge the staff or the prisoner. He does not dispute the prisoner's story, acknowledges his complaint and puts mild pressure on the officer. But the assault remains unrecorded and it is not formally followed through.

The accused officer's final remark points to the fact that the everyday governance of Ugandan prisons takes place in the asymmetrical, yet pragmatic negotiation

between prisoners and staff to the extent that a prison officer ends up beating a prisoner with the prisoner's own stick — a technology of violence and power that the prisoner is formally not supposed to wield. In practice, the junior officer seems to say, such situations are inevitable. Yet, the duty officer clearly responds that this pragmatism cannot be formally accounted for. 'They will not care whose stick it was', he warns, 'they' being the superiors, the media, the human rights people and the courts, who will hold the officer personally responsible according to the prohibition against torture. This emphasis on staff's personal or individual responsibility is significant.

The principle of individual responsibility is a central element in international human rights law, which stipulates that individuals — and not only states — can be

The principle of individual responsibility is a central element in international human rights law, which stipulates that individuals — and not only states — can be held accountable for crimes of torture.

held accountable for crimes of torture.<sup>12</sup> The emphasis on individual responsibility is part of the global anti-torture campaign to criminalize torture. Such criminalization should ideally be seen as an expansion of the protection against torture and a supplement to the state's responsibility. In Uganda, leading human rights NGOs and the UHRC — in close cooperation with Western donors — have pushed for the enactment of an anti-torture bill that clearly criminalizes torture in Uganda. A significant element of this bill is that it annuls vicarious liability in cases of torture. Vicarious liability is a common law principle in Ugandan law, whereby the Attorney General, as

representative of the state, rather than the actual torturing state official, will face trial and claims of compensation. The introduction of the principle of individual liability in the torture bill changes this. The bill was passed into law in April 2012 in Uganda and the chairman of the NGO network that had pushed the bill through wrote in his press statement:

*With most of the charges on torture brought against the state, individual actors have gotten off scot-free (...). This emphasis on individual responsibility nullifies arguments of superior orders, brings the cost of rehabilitation and reparations to the individual perpetrator thus saving the tax payer unnecessary costs. This shall ensure lawful actions of state and non-state actors.<sup>13</sup>*

12. Bonafè (2009): The relationship between state and individual responsibility for international crimes. Leiden: Martinus Nijhoff.

13. Nsubuga (2012): Press Statement by the Coalition Against Torture on the Passing of the Anti-torture Bill. Coalition Against Torture, pp. 2.

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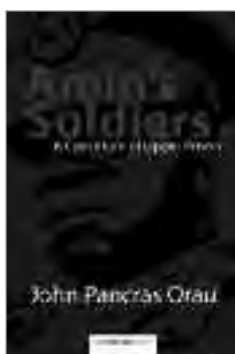
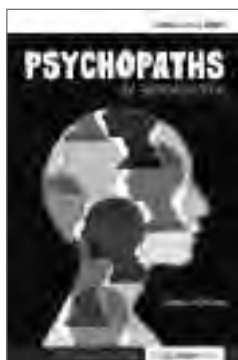
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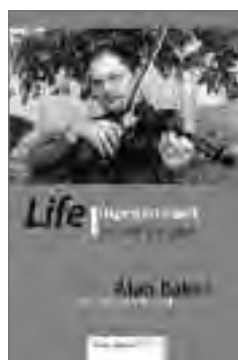
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Human rights activists clearly regard the introduction of individual responsibility as a means to hold perpetrators of human rights accountable. The question is whether this principle, in practice, also enables the state to evade responsibility. Recall, the junior officer, who had hit a prisoner leader and the duty officer tells him: 'you have to answer! It is not the government. It is you!!!' During an interview another senior officer similarly noted that:

*Actually now the policy is that whoever beats a prisoner is personally liable. Forget about the Attorney General. You are personally liable. (...) We shall charge you properly for breaching a section of the law concerning the treatment of prisoners (...) And the Commissioner General of Prisons has never woken up one morning and not confirmed a case like that.*

The legal principle of individual responsibility strengthens prison managers' administrative power to punish staff. The ambiguous relationship between the advancement of an applauded human rights principle and the tendency to let the onus rest with frontline staff, the street-level bureaucrats, is evident.

In practice, the UPS management imports the concept of individual responsibility as a discourse that places the power of formal law firmly into their hands and underpins senior officer's draconian rule-by-law in Ugandan prisons. The deficits and structures that frame the systematic violations of prisoners' rights are not accounted for, as individual prison officers are criminalized. Prison officers take note of this paradox. In practice, they are reaffirmed in their die-hard practice of 'solving things at their level', 'keeping quiet' and, if things go wrong, 'dying alone'. The official norm of individual responsibility gains traction in UPS, but practical norms remain — as a consequence — central to prison governance.

Practical norms continue to co-regulate this specific institutional sphere and enable the delivery of key institutional products in practice — most notably custody, but also a pragmatic exercise of violence and an institutional reproduction, despite severe material deficits. Consequently, institutional actors — in this case Ugandan prison staff but, I suggest, also bureaucrats more generally — seek to establish a mix between these locally productive practical norms and new powerful official norms like human rights. Such normative mixes are key nodes in the appropriation of law and policy and bear witness to the ways local practices of governance are affected by reforms and the concrete ways that institutions change. Things change, sometimes for the better and sometimes quite rapidly, but not in one direction. The directions that these changes take cannot be explained without an understanding of the local

repertoire of practical norms that are at play in a given context. Human rights are not a blueprint that can be successfully (or unsuccessfully) exported into an institutional landscape like UPS. A better analogy would be that human rights are a supple raw material that is imported locally.

### Conclusion

Where does this lead us more generally in the exploration of the effect of policy reforms in African prisons? And in the exploration of the localisation of human rights?

First of all, we need to acknowledge that prisons in Africa are run according to discernible rules; they have their own rationality. They are not abject spaces of chaos and arbitrary violence. They are rather locations of intense and complex tactical competence, embedded in local histories, governed through pluralistic normative orders. People in these places tend to be pragmatic with eyes fixed on institutional, professional and physical survival.

This is an important insight if we care about what happens in these institutions — not just in Uganda, but also as a point of departure when one wants to understand and respond to other penal situations — for instance when European governments help to run pirate prisons in Somaliland or worry about the plight of Afghan detainees handed over from military custody to local prison authorities.

Secondly, this study shows that human rights have a propensity to become a mundane managerial tool rather than a noble expression of justice. Thus, human rights do not necessarily have as much top down power as is both hoped for (and feared). In UPS, at least, human rights are in fact rather inspirational and pragmatic but material circumstance sets limits for their effectiveness. Human rights are a powerful — and in many ways potentially commendable — change agent, but human rights are also just another ideology. The effect is messy and needs to be understood — and sought after — from the bottom up.

## Skiping Without Rope<sup>1</sup>

*By Jack Mapanje<sup>2</sup>*

I will, I will skip without your rope  
Since you say I should not, I cannot  
Borrow your son's skipping rope to  
Exercise my limbs, I will skip without

Your Rope as you say even the lace  
I want till hang my neck until I die  
I will create my own rope, my own  
Hope and skip without your rope as

You insist I do not require to stretch  
My limbs fixed by these fevers of your  
Reeking sweat and your prison walls  
I will, I will skip with my forged hope;

Watch, watch me skip without your  
Rope what me skip with my hope  
A-one, a-two, a-three, a-four, a-five  
I will, a-seven, I do, will skip, a-ten,

Eleven, I will skip without, will skip  
Within and skip I do without your  
Rope but with my hope; and I will,  
Will always skip you dull, will skip

Your silly rules, skip your filthy walls  
Your weevil pigeon peas, skip your  
Scorpions, skip your Excellency Life  
Glory; I do, you don't, I can, you can't

I will, you won't, I see, you don't, I  
Sweat, you don't, I will, I will wipe my  
Gluey brow then wipe you at a stroke  
I will, will wipe your horrid, stinking,

Vulgar prison rules, will wipe you all  
then hop about, hop about my cell, my  
Home, the mountains, my globe, as your  
Sparrow hops about your prison yard

Without your hope, without your rope  
I swear, I will skip without your rope, I  
Declare, I will have you take me to your  
Showers and bathe me where I can resist

This singing child you want to shape me  
I'll fight your rope, your rules, your hope  
As your sparrow does under your super-  
vision! Guards! Take us for the shower!

1. Prisoners were not allowed to bathe until they stank; they created stench by skipping.

2. Reprinted with the kind permission of Jack Mapanje, *The Last of the Sweet Bananas: New & Selected Poems* (Bloodaxe Books, 2004).

# Reviews

## Book Review

### ***Civilising Criminal Justice: An International Restorative agenda for Penal Reform***

Edited by David J Cornwell, John Blad and Martin Wright  
Publisher: Waterside Press  
ISBN: 978-1-904380-04-7  
Price: £25.00

Civilising Criminal Justice is an ambitious collection from a wide range of international commentators, which looks to provide a compelling argument for a radical restorative reformation of the justice system. The book provides chapters that argue that the justice system is the greatest failure of all the institutions to emerge from the enlightenment, most notably it is argued, because it is the least responsive to changes in the environment and it is not evidence based.

An early and interesting analogy in the book is the comparison to the health service over the last hundred years or so. It is argued that a hundred years ago a visit to the Doctor could have easily left a patient worse off as better; but that has all changed because medicine is now evidence based. The whole theme of the book is that all those that become involved in the justice system (offender, victim or dependant) can still just as easily be left worse off than better in the modern day in western democracies. Naturally, the contributors argue, if law became more evidence based, it would follow that there would be a significant growth in restorative justice.

The global range and prestige of the contributors to this book are quite impressive. They include Dr Per Anderson, the General Director of the National Mediation Service in Norway and former Assistant Director General of the Ministry of

Justice; Sir Louis Blom-Cooper QC, a former chair of the Howard League for Penal Reform; Judge FWM McElrea from New Zealand; and former prison governor Dr David J Cornwell, a consultant criminologist and author.

The book is split into three parts. Essentially each part focuses on 'civilising' justice procedure, theory and practice. The first part includes chapters setting the historical context of criminal justice in England and Wales, in particular highlighting the pitfalls of 'heightened media clamouring' for public protection, which prevents mercy being shown to repentant offenders, and the subsequent damage caused to the offender's dependants. This is supported by interesting chapters including the development of the adversarial trial model and research on the judiciary in Hungary, and an interesting piece on whether judges can have any real impact on crime control.

Part two continues with a chapter arguing that criminal justice has become less civil, due to political and media influence on central state power — with the Netherlands highlighted as an example. This is extended in subsequent chapters with the argument that there is an over reliance on focusing on harm and culpability in mitigation of sentencing, rather than the more civil practice of discretion in considering personal circumstances with individual sentencing. This part concludes with an argument of rethinking justice and the reaction to crime as a whole.

Part three gives practical examples of the theoretical arguments put forward and considers procedures that need to be adopted from the first part of the book. In particular there are accounts included of the very

different problems of introducing restorative justice in Australia and France, juxtaposed with the relatively positive example of Norway, a democracy considered as comparatively progressive or civilised with regards to its justice system.

As the contributors admit, it is still early days in the expansion of restorative justice into the western justice psyche, but this book goes some way to providing a compelling argument and offers sound international theoretical, practical and procedural considerations for the student, academic, practitioner and policy maker.

The editors highlight in their preface that much agonising over the content and editing of this book, amongst other things, caused a delay in its publication date, although considering the depth, range and quality of contributions it has been worth the wait for this essential companion to anyone interested in restorative justice.

**Paul Crossey** is Head of Young Offenders at HMYOI Feltham.

## Book Review

### ***Globalization and Crime: Second edition***

By Katja Franko Aas  
Publisher: Sage (2013)  
ISBN: 978-1446201978 (hardback)  
978-1446201985 (paperback)  
Price: £75.00 (hardback) £24.99 (paperback)

The term 'globalization' is deployed frequently, even indiscriminately, in order to describe a myriad of social practices and phenomena. At its heart, is a sense that the world is a more inter-connected place, enabled by changes in technology,

communications, transport and media. However, such characterisations present this as a politically neutral, social development. These changes have, however, often been characterised as a mixed blessing, bringing many positive developments but also a sense of rapid change and an erosion of traditions which has created fear, risk and insecurity. Indeed, 'globalization' is also an intensely political concept, loaded with issues of power, domination and inequality. In particular, 'globalization' is generally used to describe a set of values and beliefs that are also being disseminated around the world which have sometimes been termed neo-liberal, concerned with the promotion of commercial markets, the reduction in the state and the promotion of individualism. 'Globalization' can therefore be seen as referring to a set of technological, social and political developments that are replicated across a range of states. It is in this context that Katja Franko Aas, Professor of Criminology at the University of Oslo, offers an overview of globalization and crime.

The book is organised into ten chapters, which together attempt to provide an introduction to ways of thinking about globalization and crime. These chapters range across subjects including human trafficking, migration, urbanisation, cyberspace and terrorism. They also consider how states respond and the transfer of public policy, including penal policy, across nations. The last two chapters return to more theoretical issues. In particular considering both how the global and local intersect and inter-relate, and also how an increasingly global world may require a more cosmopolitan approach to justice, transcending the nation state. Each chapter contains a convenient overview, study questions and guide to further reading, which clearly marks it as a student resource.

There is a general concern that books which focus on global aspects of contemporary life have a tendency to reify this, making the influence of global factors appear more intense, the pace of change ever more breathless and also suggest that all people are intimately affected by these developments. However, this underplays the importance of local cultures and practices, which are sometimes deeply entrenched and closely conserved. This often means that global change is more uneven and inchoate than proponents of globalisation would suggest. The idea of globalisation also focuses on those who are touched by this one way or another, but misses out those who are on the margins, without the social and economic resources to participate in this brave new world. Their stories often remain hidden and unheard.

There is no question that this book is a success in terms of the author's own objective to introduce the reader to key concepts in understanding globalization and crime. It will be a useful resource for those studying or researching this area. However, the term 'globalization' is in itself one that needs to be handled with care and looked at with a healthy scepticism.

**Dr Jamie Bennett** is Governor of HMP Grendon and Springhill.

#### Book Review

#### ***The globalization of supermax prisons***

Edited by Jeffrey Ian Ross

Publisher: Rutgers University Press (2013)

ISBN: 978-0-8135-5741-0

(hardback) 978-0-8135-5740-3 (paperback)

Price: £60.95 (hardback) £24.50 (paperback)

'Supermax' is a shorthand term, almost a brand name, for a particular type of high security

prison which has emerged over recent decades. Originating in America, their purpose has been to contain those who present a heightened level of risk to security or safety. Conditions often include lengthy periods of solitary confinement, sometimes 23 hours a day in a cell. They are the practice of state punishment with the greatest depth and weight. This edited collection is primarily concerned with the development of 'supermax' types of imprisonment in America and also eight other countries: Canada, Mexico, UK, Netherlands, Brazil, South Africa, Australia, New Zealand.

The range of countries explored, illustrates how pervasive the 'supermax' approach has become. The ways in which this has developed do, however, vary across time and locality. In some countries, large dedicated facilities have developed. Whilst in the UK, the use of Close Supervision Centres and Special Secure Units has been limited, closely monitored and constrained. Such differences illustrate that whilst globalization is important it cannot suppress diversity. It intersects and exists in a dialectical relationship with often deeply entrenched local cultures.

In his chapter about the development of the 'supermax' in America, Ian Jeffrey Ross makes some important observations about why this approach to custody has gained purchase. He suggests that this is partly a response to a perceived crisis in societies and in prisons, responding to violence and disorder. He also argues that this is situated in a set of competing ideologies, in particular a growing social conservatism and a declining faith in rehabilitation. He also suggests that this particular solution is a product of the penal-industrial complex, reflecting a particular set of economic-orientated ideas and interests. This

analysis positions 'supermax' as the expression of the darker impulses of late modernity.<sup>1</sup>

This book is an important contribution to academic discussion regarding 'supermax' prisons. It is particularly valuable in illuminating the dissemination of this practice around the globe. It also provides a contribution to wider discussions regarding the nature of globalization and policy transfer. Beyond the academic community, the book does raise questions about the development of this approach and its implications for penal and social policy. As HM Inspectorate of Prisons in the UK claimed, such forms of custody are 'extreme'<sup>2</sup> and therefore should the proliferation and normalisation of those conditions be accepted or resisted? The book also poses a challenge to policy makers and practitioners to articulate and demonstrate the effectiveness of more humane, alternatives to 'supermax'. In the UK, it is possible to point towards not only the Close Supervision Centre system but also the Dangerous and Severe Personality Disorder Units, as well as therapeutic communities such as those at Grendon, as examples of where more decent and positive forms of containment have been developed for some of the most difficult, damaged and dangerous people in prisons. Whilst this book suggests that 'supermax' has gained a hold over the penal imagination, the challenge that is presented is for others to show that this is not the only way.

**Dr Jamie Bennett** is Governor of HMP Grendon and Springhill.

Book review

***Carceral spaces: Mobility and agency in imprisonment and migrant detention***

Edited by Dominique Moran, Nick Gill and Deirdre Conlon

Publisher: Ashgate (2013)

ISBN: 978-1-4094-4268-4

(hardback)

Price: £60.00 (hardback)

This book draws together contributions from the new community of 'carceral geography', which is concerned with 'geographical engagement with the practices of imprisonment and migrant detention' (p.1). Geography has already contributed significantly to the understanding of criminal justice and imprisonment including the use of criminal justice mapping to understand where prisoners come from, which has underpinned the emergence of Justice Reinvestment.<sup>1</sup> It has also provided the means to better understand crucial aspects of imprisonment including the use of space<sup>2</sup> and the meanings of architecture.<sup>3</sup>

This book is divided into two sections, entitled 'Mobility' and 'Space and agency'. The first section challenges a number of assumptions about the boundaries and meaning of confinement. The chapters highlight the increasing integration of imprisonment and migration detention, which although not new is certainly worth emphasising and highlighting. Other chapters explore less visible issues, including the liminal space between court and imprisonment, not only as a physical, mobile space but also as a situation imbued with transformative meaning for individuals.

Within the first part of this book, there are chapters concerned with rethinking the understanding of

confinement, which is often assumed to be places of exclusion, characterised by curtailed freedom and therefore immobility. In his chapter, Nick Gill argues that incarceration and freedom cannot be neatly categorised according to immobility and mobility. Instead he describes how transfers and displacement are forms of 'punitive mobility' that are incorporated into the carceral experience. He also describes how superficially less restrictive forms of punishment such as electronic monitoring might appear to offer greater freedom and less control, in fact they offer curtailed mobility both through the imposition of restrictions and through the development of self-regulation. In terms of exclusion, two chapters discuss the ways in which prisoners are both politically and economically included whilst simultaneously excluded. In political terms, Matthew Mitchelson discusses American census practices, which include prisoners in the data, and is subsequently used for mapping electoral districts, but those prisoners do not have the right to participate in elections. Where and how these prisoners are included in the process, it is argued, distorts the democratic process. In an article that will be of particular interest to prison practitioners, Kelsey Nowakowski explores prison labour, which he argues embodies the means through which prisoners are excluded from political and social life but included within the local and global economy. He uses a case study of the recycling of electronic waste in American prisons as an example of prisoners being offered low wages and being subjected to unsafe practices including exposure to toxic materials. Nowakowski characterises the prison

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1. See Bauman, Z. (1991) *Modernity and the Holocaust* London: Polity Press.

2. HM Inspectorate of Prisons (2006) *Extreme custody: A thematic inspection of close supervision centres and high security segregation* London: HMIP.

1. See Allen, R. and Stern, V. (2007) *Justice reinvestment – A new approach to crime and justice* London: International Centre for Prison Studies.

2. For example Fiddler, M. (2010) *Four walls and what lies within: the meaning of space and place in prisons* in *Prison Service Journal* No. 187, p.3-8.

3. For example Jewkes, Y. (2012) *Aesthetics and an-aesthetics: The architecture of incarceration* in Cheliotis, L. (ed) *The arts of imprisonment: Control, resistance and empowerment* Farnham: Ashgate.



as a 'landscape of defence' which offers protection to wider society from the risk presented by prisoners, that of exposure to toxic materials, and the economic risk of competition from the developing world. It is through such meanings, it is suggested, that prisons can become sites of such exploitative practices.

The second section of the book, 'space and agency' is concerned with space as the medium and outcome of political or macro-economic practices and everyday social relations. This second part will be of more immediate interest to prison practitioners. The chapters explore the ways in which prisoners make sense of and maintain identity and power within places of confinement. The specific issues addressed include the use of hunger strikes as forms of resistance, the ways in which prisoners use space in order to maintain privacy and personal identity, how they negotiate through acts of resistance

and how aspects of personality and identity are maintained through sub-cultural practices. These chapters reveal the overlapping contribution offered by sociology, criminology and carceral geography to understanding the prisoner society.

A final chapter explores the representation of prisons on television, contributed by Jennifer Turner. This chapter focuses on the 'spectacle' of imprisonment, in other words the creation of memorable visual experiences. Turner argues that as punishment has retreated from the direct experience of the public, behind walls and fences, the 'spectacle' has instead been recreated through the media. She uses two examples of television programmes to illustrate the different functions that such representations can play. On the one hand, she argues that the gentle sitcom *The Visit*, set in a prison visits hall, anaesthetises the viewer to the harsh realities of prison life by

physically and socially distancing them from the main prison. In contrast, she argues that the documentary *Sweethearts of the prison rodeo*, about female prisoners participating in a rodeo competition, reproduces a brutal form of gladiatorial punishment. Turner is particularly concerned with how television has an affective impact which can play a role in shaping wider political views.

This book is a fascinating read. Carceral geography intersects with sociology and criminology in various ways. In some areas it reinforces and deepens understanding, but in others it offers fresh perspectives and insights. The emergence of a new intellectual contribution is an exciting moment and this book leaves one with a sense of the thrill of discovery.

**Dr Jamie Bennett** is Governor of HMP Grendon and Springhill.

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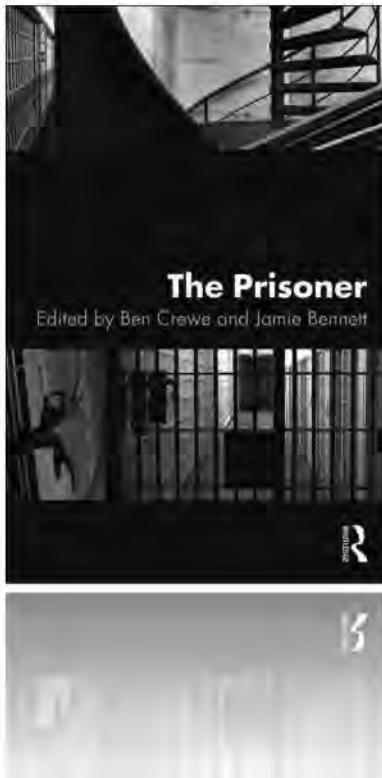
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The editor is responsible for the style and content of each edition, and for managing production and the Journal's budget. The editor is supported by an editorial board — a body of volunteers all of whom have worked for the Prison Service in various capacities. The editorial board considers all articles submitted and decides the outline and composition of each edition, although the editor retains an over-riding discretion in deciding which articles are published and their precise length and language.

**From May 2011 each edition is available electronically from the website of the Centre for Crime and Justice Studies. This is available at <http://www.crimeandjustice.org.uk/psj.html>**

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Six editions of the Journal, printed at HMP Leyhill, are published each year with a circulation of approximately 6,500 per edition. The editor welcomes articles which should be up to c.4,000 words and submitted by email to [jamie.bennett@hmps.gsi.gov.uk](mailto:jamie.bennett@hmps.gsi.gov.uk) or as hard copy and on disk to *Prison Service Journal*, c/o Print Shop Manager, HMP Leyhill, Wotton-under-Edge, Gloucestershire, GL12 8HL. All other correspondence may also be sent to the Editor at this address or to [jamie.bennett@hmps.gsi.gov.uk](mailto:jamie.bennett@hmps.gsi.gov.uk).

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